



Crl.OP(MD)No.14326 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date Reserved : 27/09/2023

Date Pronounced : 06/10/2023

THE HON'BLE MR JUSTICE G.ILANG OVAN

Crl.OP(MD)No.14326 of 2023

1.V.N.Kandasamy

2.K.Gandhimathi

: Petitioners/ A1 and A2

Vs.

1.State represented by
The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam,
Karur District.
(Crime No.350 of 2019)

: Respondent/ Complainant

2.N.Raja

:Intervener/ Defacto Complainant
in CRL MP(MD)No.11516 of 2023

For Petitioners : Mr.KPS.Palanivelrajan
Senior counsel
for Mr.V.Balaji, Advocate

For Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

For Intervenor : Mr.R.Pon.Karthikeyan



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WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER:- For Anticipatory Bail in Crime No.350 of 2019 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehends arrest at the hands of the respondent police for the offences punishable under sections 116, 119, 166(A), 120(B), 465, 466, 468, 471, 474, 477(A) r/w 34 IPC, in Crime No.350 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is a practising Advocate by profession. He is also a member of Pugalur Lift Irrigation Co-operative Society. It is alleged that A1 and other office-bearers of the above said Society indulged in creating fake panchayat resolution and collecting money from the farmers by issuing fake receipts. In-spite of proper complaint, no action was taken. So, he approached the jurisdictional Court by filing a petition under section 156(3) Cr.P.C. Based upon the order passed by the Judicial Magistrate, the present case has been registered as stated above.



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3. Seeking anticipatory bail, the petitioners herein, who are arrayed as A1 and A2, filed this petition stating that the de-facto complainant has no locus standi to sustain the complaint. Functioning of the Society was undertaken as per the Rules; Proper resolution was also passed for incurring the above said work; Even though, the complaint given by the de-facto complainant to the District Registrar of the Co-operative Society, did not yield any positive result. So, he lodged this false complaint.

4. Per contra, the learned counsel appearing for the Intervenor/De-facto complainant would submit that by fabricating the panchayat resolution, the petitioners indulged in collecting huge amount from the farmers by issuing fake receipts.

5. The locus standi of the de-facto complainant to intervene in this matter is disputed by the learned Senior Counsel appearing for the petitioners stating that during anticipatory bail proceedings, no intervention can be permitted. He would also rely upon the judgment of the Hon'ble Supreme Court in the case of Ramesh Kumar Vs. State (NCT of Delhi) [(2023)7 SCC 461]. Also produced the typed set of papers showing the resolutions passed by the Society dated 20/04/2019 and 19/10/2019 and the representation made by the members of the Society to the petitioners.



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6.The resolution reads that due to deficiency of water, check dam must be constructed. For that purpose, fund is required and the farmers may contribute Rs.1,000/- each for carrying out the work. The resolution signed by several persons. The complaint given by the de-facto complainant was also discussed in the meeting held, on 17/10/2019. On verification, it was found that they are in order.

7.So reading of the above said resolution and discussion shows that proper account has been maintained in the Society. If the de-facto complainant wants to verify the above said account details, as a member, he can also participate in the meeting. But instead of participating in the above said discussion, it appears that he gave a complaint to the District Administration. But no action has been taken.

8.From the above said factual position, it is seen that due to some personal motive, the above said complaint has been given by the de-facto complainant.

9.As mentioned above, the account details and resolution details can be verified by the respondent herein at the time of investigation, for which, the petitioners must cooperate and produce all the relevant documents.

10.In view of the above facts, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be



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released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Karur and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
06/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To,

1.THE JUDICIAL MAGISTRATE NO.II,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.



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3.THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
VELAYUTHAMPALAYAM,
KARUR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.BALAJI, Advocate (SR-14749[I] dated 06/10/2023)

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-14860[I] dated 09/10/2023)

ORDER
IN
CRL OP(MD) No.14326 of 2023
Date :06/10/2023

RK/VRS (12/10/2023) 6P / 7C

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