



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fifteenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10093 of 2015

WEB COPY

S.SAIBUNISHA

..PETITIONER/ACCUSED No.1

P.S.ARULRAJ

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
VIGILANCE AND ANTICORRUPTION,
TIRUNELVELI, TIRUNELVELI DIST.
(CR.NO. (*)2 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.SELVENDRAN Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

For Intervenor : M/s.SIVA AYYAPPAN ASSOCIATES
for Mr.A.SIVASUBRAMANIAN, Advocate

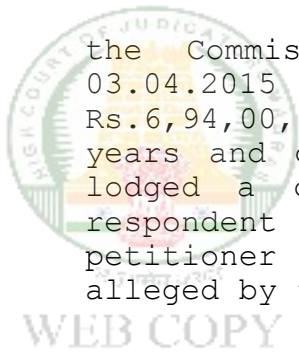
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471, 409 and 477(A) of I.P.C., and 13(1)(c), 13(1)(d) of Prevention of Corruption Act 1988 r/w. Section 120(b) of I.P.C., in Crime No. (*)2 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The respondent registered the case based on the direction of this Court in Crl.O.P.(MD).No.5549 of 2014 on 26.03.2015 filed by one Mr.P.S.Arulraj alleging that the Government has already sanctioned funds for laying roads in the year 2012-2013 was not properly utilized by the Municipality and without laying roads, they have misappropriated the funds.

3.The learned counsel for the petitioner submitted that the councillor of Kadayanallur Municipality passed a resolution in the year 2012 to lay 36 roads in 33 wards and a sum of Rs.6,94,00,000/- was sanctioned. Instead of laying roads in Ward Nos.7 and 23, the contractor at the instance of the Commissioner had laid roads in Ward Nos.9 and 22. Therefore, the Chairman made a complaint to the Commissioner of Municipality Administration, Chepauk, Chennai on 23.12.2014. He further submitted that another complaint forwarded to the Additional Director General of Police was also sent to the Commissioner of Municipality Administration on 15.12.2014. He further submitted that the Regional Director of Municipal Administration, Tirunelveli had sent a report to



the Commissioner of Municipal Administration, Chepauk, Chennai on 03.04.2015 stating that the Municipal had utilised the entire funds of Rs.6,94,00,000/- and laid 36 roads. He further submitted that after three years and due to political motive, one of the Advocate in Tirunelveli lodged a compliant and based on the direction of this Court, the respondent police has registered the case. He further submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the respondent.

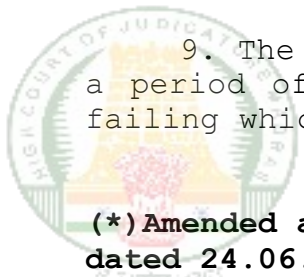
4.Per contra, the learned counsel for the intervenor submitted that the de-facto complainant preferred a complaint on 23.01.2015 and the same was forwarded to the Secretary to the Government on 05.02.2015. Since the authorities have not taken any action, the de-facto complainant filed Crl.O.P.(MD).No.5549 of 2015 and in the petition, this Court found prima facie against the accused and issued direction. He further submitted that the petitioner is holding official capacity as a Chairman of Municipality and there is every possibility of tampering the document and interfering with the investigation. Moreover, custodial interrogation is necessary in this case.

5.The learned Government Advocate (Crl.side) opposed this petition stating that the A1 is a Chairman of Municipality, A2 to A4 are the Engineers working in the Municipality at Tirunelveli District, A5 and A6 are the contractors and they have fabricated the documents to show that the roads were laid in the year 2012, but infact without utilising, they misappropriated the funds.

6.In this case, based on the resolution passed by the Municipality in the year 2012, the Government sanctioned funds and roads were laid in the year 2012-2013, subsequently, the first accused/petitioner herein sent a representation to the Chief Minister Cell and also to the Higher Authorities intimating that the deviations were made in laying the roads. The Regional Director had also sent a report to the Commissioner of Municipality Administration dated 03.04.2014 stating that the roads were laid by the Municipality. However, admittedly, the present complaint was given only in January 2015 by one of the Advocate in Kadayanallur Bar.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Special Court for Vigilance and Anticorruption, Tirunelveli and on 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 judge concerned and on further condition that the petitioner shall appear before the respondent police daily at 05.00 p.m., for period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

15/06/2015

**(*)Amended as per the order of this Hon'ble Court
dated 24.06.2015 and made in MP(MD)No.2/2015
in Crl.OP(MD)No.10093/2015.**

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Time is extended for a period of two weeks from the date on which the order copy made ready.

Sd/-

24/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE SPECIAL JUDGE FOR VIGILANCE AND ANTICORRUPTION, TIRUNELVELI.
- 2 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- 3 THE INSPECTOR OF POLICE, VIGILANCE AND ANTICORRUPTION, TIRUNELVELI,
TIRUNELVELI DIST.

+1. CC to M/S.S.R.A.RAMACHANDRAN, Advocate SR.No.33485

ORDER IN

CRL OP(MD) No.10093 of 2015

Date :15/06/2015

PBK/AMF 17/06/2015 ::3P-6C::

PA/PPS/25.06.2015/3P/5C