



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

Tuesday, the Eighteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15554 of 2015

1 ATHIGAMAN

2 SELVARAJ KUMAR

... PETITIONER/ACCUSED NOS.2&3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
VIGILANCE & ANTI - CORRUPTION WING,
VIRUDHAGAR DISTRICT.
(CRIME NO.08/2013)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.GANDHI Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

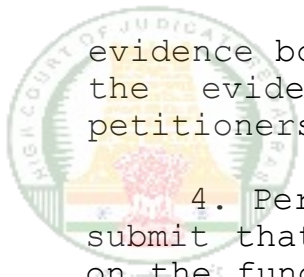
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 409,420,468,471,477(A), 34 of IPC and Sections 13(2) r/w. 13(1)(c) and (d) of Prevention of Corruption Act, 1988, in Crime No.08 of 2013 on the file of the respondent police, seek anticipatory bail.

2. According to the prosecution, when the first accused was working as Chief Educational Officer in Virudhunagar District and District Programme Coordinator for RMSA, the second accused was working as an Assistant in the District Programme Coordinator and the third accused as Educational District Coordinator of RMSA, they conducted training programme for Physical Education Directors and by producing bogus vouchers for expenses mis-appropriated Rs.1,02,300/-.

3. The learned counsel for the petitioners submitted that the case was registered in the year 2013 and the respondent has already completed investigation in this case. It is further submitted that the petitioners have produced proper bills for the amount spent for conducting programme, however, with an ulterior motive, the case was registered, on the basis of the unanimous complaint and that entire



evidence born out of the record, so there is no chance for tampering the evidence and therefore, custodial interrogation of the petitioners are not required.

4. Per contra, the learned Government Advocate (Crl.side) would submit that the programme was conducted by the State of Tamil Nadu on the fund provided by the Central Government and the accused have mis-appropriated a total sum of Rs.1,02,300/-. It is further submitted that the respondent has already completed investigation and they are going to file a charge sheet in a short time.

5. Considering the facts and circumstances of the case and also considering the fact that the charge sheet is yet to be filed, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Special Court for Prevention of Corruption Act Cases, Madurai, 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners 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/-
18/08/2015

/ TRUE COPY /

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

TO

- 1.THE SPECIAL COURT FOR PREVENTION OF CORRUPTION ACT CASES
MADURAI
- 2.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 3.THE INSPECTOR OF POLICE
VIGILANCE & ANTI - CORRUPTION WING, VIRUDHAGAR DISTRICT.

+1. CC to M/S.R.GANDHI Advocate SR.No.47711
RL/5 C- 24/8/2015