



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

Monday, the Seventh day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.19548 of 2015

1 MUTHURAMALAKSHMI
2 MALAIYAPPAN

... PETITIONER(S) / ACCUSED 3 & 4

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
VIGILANCE AND ANTICORRUPTION DETACHMENT,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
IN CRIME NO. 5 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.MARIMUTHU Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

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

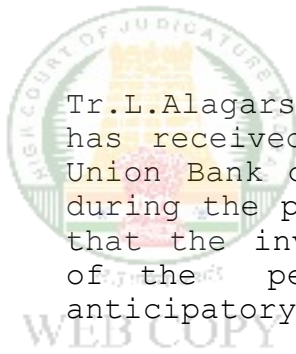
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.3 & 4, in Crime No.5 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 409, 467 468, 471, 477(A) of IPC and Section 13(2) r/w 13(1)(c) and (d) of Prevention of Corruption Act, 1988 and hence, seek anticipatory bail.

2. The case of the prosecution is that A-1 is the President of the panchayat and A-2 is the Secretary of the panchayat. The petitioners, who are arrayed as A-3 and A-4 are the Assistant Engineer and Overseer in the panchayat union office. All the accused persons colluded together and created bogus work orders in M.books, contract certificates and misappropriated the funds of the panchayat to the tune of Rs.60,11,075/-.

3. The case of the petitioners is that the petitioners' role is very limited with regard to the work order and they have not committed any offence as alleged by the prosecution. Furthermore, the first petitioner retired from service on 28.02.2014 and the second petitioner is now working at Narikudi Panchayat Union office and therefore, he prayed for anticipatory bail.

4. The learned Government Advocate(Crl. Side) submitted that the accused persons colluded together and misappropriated the funds of the village panchayat to the tune of Rs.60,11,075/-. The petitioners as Assistant Engineer and Overseer of the panchayat prepared 67 bogus work orders, contract certificates and issued 54 cheques in the name of



Tr.L.Alagarsamy, a village contractor and prepared bogus vouchers as if he has received cheques and encashed the same by forging the signature at Union Bank of India, Virudhunagar and at Indian Bank, R.R. Nagar Branch, during the period between 30.05.2010 and 21.06.2013. He further submitted that the investigation is pending and therefore, custodial interrogation of the petitioner is necessary. If the petitioners are granted anticipatory bail, they will tamper the witnesses.

5. Considering the fact that huge amount of public money has been misappropriated by creating bogus documents and custodial interrogation of the petitioner is necessary, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition is dismissed.

sd/-
07/12/2015

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTICORRUPTION DETACHMENT,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S G.MARIMUTHU Advocate SR.No.66308.
+1CC to Mr.S.J.Chakkaravarthy, Advocate, SR.No. 70161

TS/10.12.2015/2P-5C/ SK-SKN/SAR - I

ORDER
IN
CRL OP(MD) No.19548 of 2015
Date :07/12/2015