



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

Tuesday, the Seventeenth day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.19620 & 19713 of 2015

K.N. MARIMUTHU

... PETITIONER/ ACCUSED No.2
in Crl.O.P(MD)No.19620 of 2015

M.RAMASAMY

... PETITIONER/ ACCUSED No.1
in Crl.O.P(MD)No.19713 of 2015

Vs

STATE THROUGH
THE SUPERINTENDENT OF POLICE
CBI/ACB,CHENNAI.
(CRIME NO. RC MA1 2015 A 0035
in Crl.O.P(MD)No.19620 of 2015)
(CRIME NO. RC MA1 2015 A 0035/2015
in Crl.O.P(MD)No.19713 of 2015)

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : Mr.A.UTHAYAKUMAR Advocate
in Crl.O.P(MD)No.19620 of 2015

For Petitioner : Mr.M.VIJAYAKUMAR Advocate
in Crl.O.P(MD)No.19713 of 2015

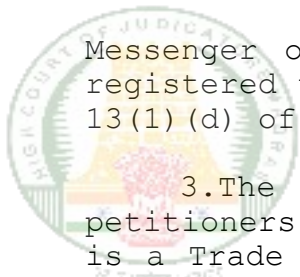
For Respondent : Mr.S.JAYAKUMAR, Special Government Pleader
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 in Crime No.RC MA1 2015 A 0035 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 120B r/w 420, 468, 471 and Section 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988 and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioner in Crl.O.P.(MD). No.19620 of 2015 is working as a Messenger in Indian Overseas Bank and the petitioner in Crl.O.P.(MD).No.19713 of 2015 is working as a Special Assistant in IOB, Palayamkottai and also holding the post of the Assistant General Secretary of Trade Union of Tirunelveli Region. A1 conspired with A2 viz., Marimuthu to obtain a false educational certificate to appoint him as a Messenger in IOB Branch Ariyanayakipuram. The first accused viz., Ramasamy received a sum of Rs.2,50,000/- as illegal gratification from A2 to absorb him as a



Messenger on permanent basis and on that allegation, the case has been registered under Sections 120B r/w 420, 468, 471 and Section 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act 1988.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence and A1 is a Trade Union leader holding the post of Assistant General Secretary, is not having any role to appoint employee or make them as permanent. The Branch manager only has to verify the details of the temporary employees and send the particulars to higher authority and they only have power to pass orders. The petition are innocent and A1 has not received any money.

4.The learned counsel appearing for the respondent filed a detailed counter stating that the petitioner/A1 viz., Ramasamy under the clout of trade unionist had received illegal gratification from the weaker section of the labour sector and had gained wrongfully with the other Central Office bearers of the union and the petitioners collected the amount from Rs.20,000/- to Rs.2,50,000/- from 16 persons as bribe to the senior level office bearers of the union are within the exclusive knowledge of the petitioners/accused. The petitioners did not co-operate with the investigation and therefore, the custodial interrogation is very much essential in this case and hence, he prays for dismissal of the petition.

5.Heard the learned Government Advocate (Crl.side) appearing for the State.

6.Considering the nature and gravity of the offences, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, these petitions are dismissed.

sd/-
17/11/2015

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

TO

- 1 THE SUPERINTENDENT OF POLICE
CBI/ACB, CHENNAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19620 & 19713 of 2015
Date :17/11/2015

NS/NGM/SAR I/25.11.2015 : 2P/3C