



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen

PRESENT

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The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2018 of 2015

SIVAKUMAR

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.
CR. NO.38/2012.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MOORTHY Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable u/s 120b, 409, 420, 465, 468 and 471 IPC, seeks anticipatory bail.

2. Heard Mr.S.Moorthy, learned counsel for the petitioner and Mr.A.P.Balasubramanian, learned Govt.Advocate [crl.side] appearing for the State.

3.The respondent police have filed a counter and in paragraph 2 it is stated as follows:

"2. I respectfully submit that on 23.11.2012 a complaint was lodged by one Dhanasekaran before the Superintendent of Police, Dindigul, the same was forwarded to the District Crime Branch, Dindigul and the same was registered in Crime No.38 of 2012 for the alleged offence u/s 120(b), 409, 420, 465, 468, 471 of IPC against A.Saravanan, Headmaster, S.Sivakumar, Junior Assistant of Government Kaller Higher Secondary School, Anaipatty, Dindigul District. The brief fact of the case is the complainant namely Dhanasekaran who is working as an Assistant Treasury Officer, Sub Treasury Office, Nilakottai, Dindigul District verified the accounts relating to salaries of the Government teachers. At that time he found



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that the Head master, Government Kaller Higher Secondary School, Anaipatty, Dindigul District and the Junior Assistant of this same school involved to misappropriate 16 lakhs of Government money purposely claimed in the names of transferred teachers during the period between 2010 and September 2012."

Thus from the above it appears that the petitioner and the Headmaster of the Government Kaller Higher Secondary School have tampered with the accounts relating to salaries of the Government teachers and they have misappropriated around Rs.16 lakhs of public money.

4. The learned counsel for the petitioner submits that earlier this Court had granted anticipatory bail to the petitioner in Crl.O.P.(MD)No.17660 of 2015 and that the petitioner had failed to furnish sureties within the stipulated period. In this regard, the petitioner has not disclosed in this anticipatory bail application about the filing of Crl.O.P.(MD) No.17660 of 2015. On the contrary, in this petition the petitioner has stated that this is the first anticipatory bail application. Only in the counter filed by the respondent police, this fact was disclosed. On the short score of suppression itself, this anticipatory bail application deserves to be dismissed.

5. The learned counsel for the petitioner submits that he was not the counsel in Crl.O.P.(MD)No.17660 of 2012 and it was filed through some other Advocate and the client did not properly instruct him about the earlier petition. This Court accepts the explanation given by the learned counsel for the petitioner, but since the client has not properly apprised the counsel, this Court cannot show indulgence and grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

24/02/2015

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.
- 2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2018 of 2015

Date :24/02/2015