



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23546 of 2014

S.SELWYN

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO. 753/2014.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.VEERA KATHIRAVAN Advocate
For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)
For Intervenor : Mr.R.MAHESWARAN, Advocate

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 the alleged offences punishable under Sections 468, 471 and 472 IPC in Crime No.753 of 2014, on the file of the respondent police, seeks anticipatory bail.

2. On 06.01.2015, this Court passed the following order:

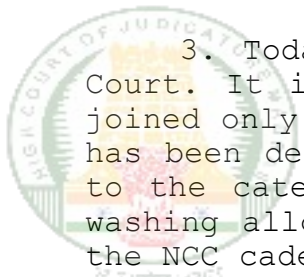
"3. The case of the prosecution is that this petitioner was working as NCC Officer in the defacto complainant's school and he was in charge of giving training to the NCC Cadets in the school. One ex-employee by name Sober Jothi Paul, has been sending complaints to various authorities stating that this petitioner has been defalcating the amount that was allotted for giving washing and refreshment allowances to NCC Cadets.

4. This petitioner was placed under suspension based on the complaint given by the said Sober Jothi Paul. This Court in W.P.No.20024 of 2014 stayed the order of suspension passed by the Management of the School against this petitioner on 10.12.2014. Thereafter, this case has been registered by Police on 19.12.2014.

5. Mr.Veera Kathiravan, learned counsel for the petitioner submits that this FIR is a counter blast on account of the stay of suspension order that has been granted by this Court. Therefore, this Court perused the FIR and found that the Head Master of the School was initially informed by the said Sober Jothi Paul about the defalcation being done by the petitioner. Thereafter, on the instructions of the School Management, the Head Master has gone to the NCC Headquarters at Tuticorin and has collected the details from there from where it came to light that this petitioner has not only forged the signature of the Head Master, but also affixed the school seal and received the money.

6. At this juncture, learned counsel for the petitioner seeks time to get instructions in this regard.

List this matter on 12.01.2015 under the caption "For
Prabhakar Thiruthuva Kumar Samson shall be present in this Court.



3. Today, the Head Master / defacto complainant is present in this Court. It is seen that the said Head Master / defacto complainant has joined only in 2012, but whereas he has stated in the petition that there has been defalcation since 2008. It is also seen that the amount payable to the caterer was paid directly by cheques to the caterer. As regards washing allowance, the amounts were paid in the presence of officials to the NCC cadets.

4. At this juncture, learned counsel for the Intervenor submits that the petitioner has been conducting less number of parades and has been inflating bills, which is not the allegation in the FIR.

5. Learned Government Advocate (Crl.Side) on instructions submits that the defalcated amount is around Rs.3 lakhs.

6. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thoothukudi, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall deposit a sum of Rs.2,50,000/- to the credit of Cr.No.753 of 2014 before the learned Judicial Magistrate No.II, Thoothukudi, who in turn shall deposit the same in a Nationalized Bank under Fixed Deposit Scheme, so that it accrues interest and at the culmination of the trial, learned Magistrate shall pass orders in respect of the amount in accordance with law.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall also give his signature and thumb impression to the respondent police

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
12/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE ADDL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.VEERA KATHIRAVAN Advocate SR.No.1594

ORDER IN
CRL OP(MD) No.23546 of 2014
Date :12/01/2015

<https://hcservices.ecourts.gov.in/hcservices/>

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