



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10789 of 2016

K. GANESAN

... PETITIONER/ACCUSED NO.
NOT KNOWN.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
PUDUKOTTAI DISTRICT,
CR NO. 16/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S AR.L.SUNDARESAN, Senior Counsel for
M/S. M.SURESH Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

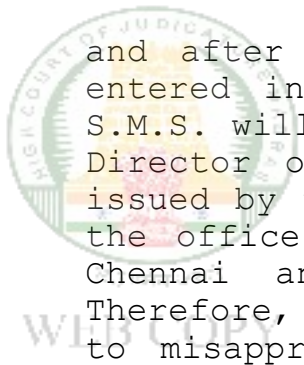
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 409, 420, 465, 468, 471 and 477(A) of I.P.C., in Crime No.16 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner while working as Superintendent in the Directorate of Health Services, Pudukottai in Accounts Section, manipulated the cheques signed by the Deputy Director and the Administrative Officer and misappropriated a sum of Rs.1,17,03,695/- by depositing the cheques in his personal account and cheated the Government in between 01.12.2013 and 20.10.2014. On complaint, a case was registered for the aforesaid offences.

3.The learned senior counsel for the petitioner submitted that the petitioner has no power to sanction any amounts payable to the contractor and only his higher officials have power to disburse the amount. After petitioner prepares the cheques, they have to be signed by the Administrative Officer and Deputy Director. The cheque details will also be entered into the Cheque Issue Register



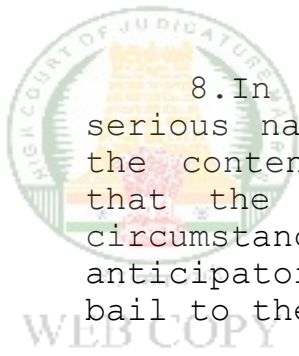
and after the cheque was being signed, the said cheque will be entered in the Cash Book. After the cheque has been encashed, S.M.S. will be sent by the bank to the Deputy Director/Office of the Director of Public Health Services. Every month, the statement issued by the bank will be reconciled with the books maintained in the office. There is a statutory audit from NRHM Head Office at Chennai and finally an audit by a concurrent audit system. Therefore, there is no possibility of manipulation by the petitioner to misappropriate the money. A false complaint has been given against the petitioner. The learned senior counsel for the petitioner further submitted that the petitioner is an innocent person and he is a respectable person and he will not evade due process of law and already the respondent enquired the petitioner and the petitioner was permitted to retire from service.

4.The learned Government Advocate (Criminal side) filed a status report and submitted that on 07.10.2015, 08.10.2015 and 14.10.2015, preliminary enquiry was conducted on the complaint. On 14.10.2015, the petitioner confessed that he only filled up huge amounts in 26 cheques in question, cash book and Cheque Issue Register. The petitioner manipulated the records as though the entire amounts were paid to seven Block Primary Health Centres, but the said amounts were not paid to the said Block Primary Health Centres. The amounts were credited into the personal account of the petitioner and he misappropriated a huge sum of Rs.1,17,03,695/- meant for Block Primary Health Centres for implementing the welfare health scheme for public, especially, for poor people. The complaint was registered against the Administrative Officer, Selvam, Data Entry Operator, V.Gangadharan and Office Assistant Louisal Gracy, in charge of maintaining the Cheque Issue Register and other registers. After preliminary enquiry, the petitioner absconded. He further submitted that this is the third petition for anticipatory bail filed by the petitioner and the earlier two petitions were dismissed by this Court on merits, after considering all the facts and there is no change of circumstance.

5.This Court considered the rival submissions.

6.The allegation against the petitioner is that by manipulating the cheques and documents, he misappropriated a huge sum of Rs.1,17,03,695/- meant for Block Primary Health Centres for implementing the Welfare Health Scheme for public, especially, for poor people.

7.The learned senior counsel for the petitioner submitted that in the previous petition all the facts were not placed before this Court. This Court is of the view that the said contention is without merit. During the hearing of Crl.O.P(MD)No.1404 of 2016, this Court directed the de facto complainant to appear before this Court with documents. This Court, after verifying the documents, found that prima facie case is made out against the petitioner and ultimately dismissed the petition.



8. In view of the above said facts and also considering the serious nature of allegations levelled against the petitioner and the contention of the learned Government Advocate (Criminal side) that the petitioner is absconding and there is no change of circumstance from the date of dismissal of the earlier petition for anticipatory bail, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly, this petition is dismissed.

sd/-

19/08/2016

/ 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,
PUDUKOTTAI DISTRICT,

2 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.SURESH Advocate SR.No.46228

ORDER

IN

CRL OP (MD) No.10789 of 2016

Date : 19/08/2016

AM/SK.SKN/SAR-I/01.09.2016/3P/4C