



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15445 & 15485 of 2016

P.TAMILSELVAN,

... PETITIONER / ACCUSED NO.2
IN CRL OP(MD)NO.15445/2016

RAMESH

... PETITIONER /ACCUSED NO.1
IN CRL OP(MD)NO.15485/2016

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SIRUGANUR POLICE STATION,
SIRUGANUR, TRICHY DISTRICT
CR. NO. 299 OF 2016

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.P.MAHENDRAN Advocate
IN CRL OP(MD)NO.15445/2016

For Petitioner : M/S.N.ANANDAKUMAR, Advocate
IN CRL OP(MD)NO.15485/2016

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

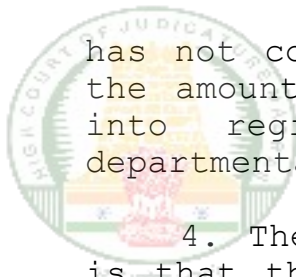
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 406,420,462,465,468, 471 and 477(A) of IPC in Crime No.299 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the petitioner in Crl.O.P(MD).No.15485 of 2016 is the Panchayat President and the petitioner in Crl.O.P(MD).No.15445 of 2016 is the Panchayat Clerk. Both the petitioners did not collect the tax from the educational institutions and deposited in the Panchayat Account. The petitioners also did not deposit the amount in the panchayat account so collected to the tune of Rs.2,75,188/- and mis-appropriated the same. On complaint, a case has been registered for the above said offences.

3. The case of the petitioner in Crl.O.P(MD).No.15445 of 2016 is that the petitioner was working as a Clerk in the Panchayat from 2002 and he has un-blemished records so far. He is innocent and he



has not committed any offence as alleged by the prosecution. All the amounts collected are deposited in to the account and entered into register. On complaint, petitioner is suspended and departmental proceedings are also initiated.

4. The case of the petitioner in CrI.O.P(MD).No.15485 of 2016 is that the petitioner is the Panchayat President. The Panchayat Clerk collected the amount and he failed to deposit the same in the Panchayat Account. Subsequently, he deposited the entire amount collected. The educational institutions did not pay the Tax. The petitioner has issued notice to the concerned educational institutions calling upon them to pay the amounts due to the panchayat. The petitioner has not mis-appropriated any amount and all the amounts collected and deposited and entered into register.

5. The learned counsel for the petitioners submitted that on complaint, Departmental proceedings initiated against the petitioner in CrI.O.P(MD).No.15445 of 2016 and the petitioner was also suspended from service. The Inspector of Panchayat invoked Section 203 proceedings against the President and Vice President and Cheque signing power have been withdrawn and handed over to Block Development Officer. They further submitted that both the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

6. Heard the learned Government Advocate (CrI. Side).

7. Considering the contention of the learned counsel for the petitioners that amount alleged to be mis-appropriated by the petitioners have been deposited by the petitioner in CrI.O.P(MD).No.15445 of 2016 and the Departmental proceedings initiated against the petitioner in CrI.O.P(MD).No.15445 of 2016 and Section 203 proceedings initiated against the petitioner in CrI.O.P(MD).No.15485 of 2016 and cheque signing power is withdrawn and handed over to the Block Development Office custodial interrogation of the petitioners is not required. Hence, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi on condition that each of the petitioners 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 petitioners shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

8.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the condition or not.

sd/-
23/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, LALGUDI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE,
SIRUGANUR POLICE STATION,
SIRUGANUR, TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.P.MAHENDRAN Advocate SR.No.46723
+1CC TO M/S.N.ANANDAKUMAR, ADVOCATE SR.NO.46721

GJM/PV/SAR-III-9.9.16-3P-7C

ORDER
IN
CRL OP (MD) No.15445 &
15485 of 2016
Date :23/08/2016