



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

Friday, the Second day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15750 & 15926 of 2016

RENGARAJAN

... PETITIONER /ACCUSED No.2 IN
(CRL.OP(MD)No. 15750/2016)

V.BABU

... PETITIONER/ACCUSED No. 1 IN
(CRL OP(MD)No. 15926/2016)

Vs

THE STATE OF TAMILNADU,
REP.BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT
CR. NO. 15 OF 2016

... RESPONDENT/COMPLAINANT IN BOTH
PETITIONS

For Petitioner : M/S.K.CHELLAPANDIAN SENIOR COUNSEL
M/S.D.SIVARAMAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)
Both the petitions

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P(MD)No.15750 of 2016, who is arrayed as Accused No.2 and the petitioner in Crl.O.P(MD)No.15926 of 2016, who is arrayed as Accused No.1, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 468, 409 and 420 IPC, in Crime No.15 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner in Crl.O.P (MD)No.15926 of 2016/Babu while working as Managing Director in the Tamil Nadu State Transport Corporation received money from the defacto complainant on promising to give appointment to 38 persons. The defacto complainant was working in the Transport Corporation as Technical Assistant and he collected money from 38 persons and gave it to the petitioner in Crl.O.P(MD)No.15926 of 2016/Babu and after his retirement, Babu introduced the petitioner in Crl.O.P(MD) No.15750 of 2016/Rengarajan, who became the Managing Director in the place of Babu and assured that the petitioner in Crl.O.P(MD)No.15750 of 2016/Rengarajan will take care of the appointment. On complaint, a case has been registered for the above said offences.

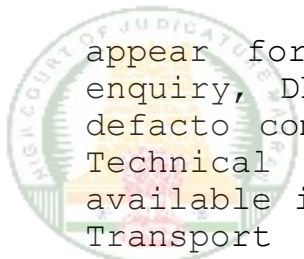


3.The case of the petitioners in both the cases is that the petitioner in CrI.O.P(MD)No.15926 of 2016/Babu was transferred on 10.01.2014 to IRT, Chennai and he was not working as Managing Director of Tamil Nadu State Transport Corporation (Kumbakonam) Limited, as alleged by the defacto complainant. The petitioner in CrI.O.P(MD)No.15926 of 2016/Babu retired from service on 30.04.2014. After transfer of the petitioner in CrI.O.P(MD)No.15926 of 2016/Babu one Alfred Dinakaran was appointed as Managing Director of Tamil Nadu Transport Corporation (Kumbakonam) Limited and the petitioner in CrI.O.P(MD)No.15750 of 2016/Rengarajan was not appointed and working as Managing Director, after the retirement of the petitioner in CrI.O.P(MD)No.15926 of 2016/Babu. Therefore, the petitioner in CrI.O.P(MD)No.15926 of 2016/Babu received money while working as Managing Director in the year 2014 and after his retirement, he introduced the petitioner in CrI.O.P(MD)No.15750 of 2016/Rengarajan to the defacto complainant are false.

4.Further, the learned Senior Counsel appearing for the petitioners submitted that the defacto complainant never worked as Technical Assistant in the Transport Corporation and there is no post of Technical Assistant in the Transport Corporation. The defacto complainant issued fake appointment orders to nine persons and the General Manager of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited has lodged a compliant against the defacto complainant and one Velmurugan and the same has been registered in Crime No.226 of 2016 on the file of the Town Police Station, Pudukkottai. The defacto complainant is absconding. Further, the aggrieved persons and the said Velmurugan also lodged complaint against the defacto complainant. While so, the defacto complainant has given a false compliant only to escape from the complaint registered against him. After sending complaint by post, the defacto complainant is absconding and he is not co-operating for enquiry. On the other hand, both the petitioners along with other officials of the Transport Corporation appeared before the respondent Police on 06.08.2016 and gave statement.

5.The learned Senior counsel appearing for the petitioners further submitted that the respondent police filed a status report in CrI.O.P(MD)No.14067 of 2016 filed by the petitioner/defacto complainant to register the complaint and submitted that the defacto complainant did not appear for enquiry, when the summons was issued to him. The petitioners and others appeared on 06.08.2016 and gave statement.

6.The learned Government Advocate (Criminal Side) filed counter-affidavit and submitted that on receipt of the complaint, the respondent Police sent summons to the defacto complainant and the petitioners to attend the enquiry and further, they contacted Dharmaraj, who is the Managing Director, Tamil Nadu State Transport Corporation, Kumbakkonam over phone and asked him to appear for enquiry. On 06.08.2016, the petitioners, Dharmaraj and one Pandi, who is the Managing Director, Pudukkottai appeared for enquiry before the respondent Police, but the defacto complainant did not



appear for enquiry. Further, he would submit that in the said enquiry, Dharmaraj, Managing Director, Kumbakonam, stated that the defacto complainant stated in his complaint that he is working as Technical Assistant at Karaikudi Region, but there is no post available in the name of Technical Assistant in the Tamil Nadu State Transport Corporation and the defacto complainant issued fake appointment order to various persons. In this regard, a case has also been registered in Crime No.226 of 2016 by the Town Police Station, Pudukkottai District. Further, the said Babu, who was the Managing Director of Karaikudi Region is not retired from his job at Karaikudi Region, but, he was transferred from that place and after his transfer, one Albert Dinakaran was holding that post and after his tenure only, the said Rengarajan was posted as Managing Director, Karaikudi Region. He would further submit that the defacto complainant received 60 lakhs from 38 persons and the whereabouts of the defacto complainant is not known to the respondent Police. The defacto complainant is absconding and the respondent Police affixed the summons through Village Administrative Officer in his residence. Even after receiving summons, he did not appear for enquiry before the Investigating Officer.

7.Considering the facts and circumstances of the case and also considering the fact that the complaint given by the General Manager, Transport Corporation and various complaints given by aggrieved persons are pending against the defacto complainant with regard to the job racketing and the defacto complainant is absconding and not appearing for enquiry before the Investigating Officer and even in the compliant given by the defacto complainant, the petitioners appeared before the Investigating Officer and gave statement on 06.08.2016 and co-operating for investigation, the custodial interrogation of the petitioners are not required. In the circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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 No.2, Sivagangai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent Police as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) 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 conditions or not.

sd/-
02/09/2016

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.2, SIVAGANGAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC's to M/S.D.SIVARAMAN Advocate SR.No. 49718, 49719

JA-SS-2/SAR.3/12.09.2016/4P:7C

ORDER IN
CRL OP(MD) No.15750 &
15926 of 2016
Date :02/09/2016