



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

Wednesday, the Twenty Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CRL OP(MD) No.20484 of 2016

1 G.SUBATHRA,
2 T.SUMATHI,
3 B.VIJAYAPRIYA,

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT
CR.NO. 14 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.SINGARAVELAN, Senior Counsel for
M/S.G.THALAIMUTHARASU Advocate

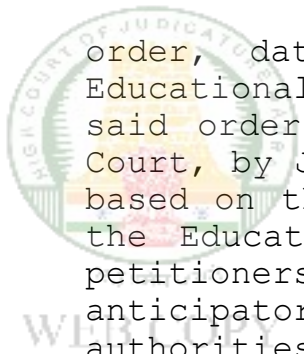
For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)
For Intervener : Mr.S.K.MANI, Advocate
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 409, 465, 468, 471, 477(A), 420, 120(b) and 34 I.P.C., in Crime No.14 of 2016, on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard Mr.R.Singaravelan, learned Senior Counsel, appearing for Mr.G.Thalaimutharasu, learned counsel on record for the petitioners, Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State and Mr.S.K.Mani, learned counsel appearing for the intervenor, who strongly objected to grant anticipatory bail to the petitioners.

3. The petitioners herein are working as B.T.Assistant Teachers in Uma Maheswara Higher Secondary School of Karanthai Tamil Sangam, Thanjavur. It is alleged that they have drawn around Rs.15,00,000/- towards arrears of salary without being entitled to the same. On perusal of the records, it is seen that this Court, vide order, dated 16.02.2008, in W.P.No.4663 of 2005, directed the Educational Authorities to retain three teacher posts by setting aside the order of the Chief Educational Officer, Thanjavur, and this Court, vide



order, dated 22.12.2008, in W.P.No.8896 of 2005, directed the Educational Authorities to make payment to the petitioners and the said order was also upheld by the Hon'ble Division Bench of this Court, by Judgment dated 20.07.2012, in W.A.(MD) No.150 of 2012, and based on the Judgment of the Hon'ble Division Bench of this Court, the Educational Authorities have approved the appointment of the petitioners. Whiles, one Dr.Senthil Kumar, who intervened the anticipatory bail application, filed complaints before various authorities, which culminated the present F.I.R., in Crime No.14 of 2016.

4. Taking into consideration the nature of allegations made against the petitioners and the fact that they have obtained favourable orders from this Court, consequent to which only, payment appears to have been made to them, this Court is of the view that this is a fit case to grant anticipatory bail to them. 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.I, Thanjavur, 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]**.

5. 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/-
26/10/2016

/ TRUE COPY /

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



KRK

TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.63893

GJM/GSV/PM/SAR-I-3.11.16-3P-6C

ORDER

IN

CRL OP(MD) No.20484 of 2016

Date :26/10/2016