



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

Thursday, the Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

WEB COPY

CRL OP(MD) Nos.2207 and 2212 of 2017

CRL OP(MD) No.2207 of 2017:

1 R.BALAJIAH
2 S.KULANTHAIVELU
3 T.SANTHANAM

... PETITIONERS / ACCUSED NO.2,3&6

Vs

STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
THALLAKULAM,
MADURAI.
IN CR.NO.1 OF 2017.

... RESPONDENT / COMPLAINANT

CRL OP(MD) No.2212 of 2017:

RAJASEKAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PREVENTION AND ANTI CORRUPTION DEPARTMENT,
MADURAI.
MADURAI DISTRICT.
IN CR.NO.1 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KARTHIK Advocate IN CRL OP(MD)NO.2207 of 2017

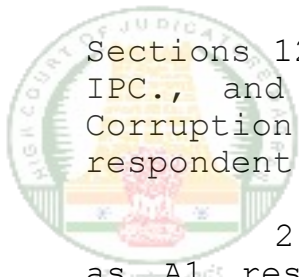
For Petitioner : M/S.J.SULTHAN BASHA Advocate
IN CRL OP(MD)NO.2212 of 2017

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

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P(MD)No.2207 of 2017 are arrayed as A2, A3 and A6 respectively, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under



Sections 120(b), 409, 420, 465, 468, 471, 477(A) of IPC., r/w.109 of IPC., and Section 13(1)(c) & r/w.Section 13(2) of Prevention of Corruption Act, 1988, in Crime No.1 of 2017, on the file of the respondent Police, seek anticipatory bail.

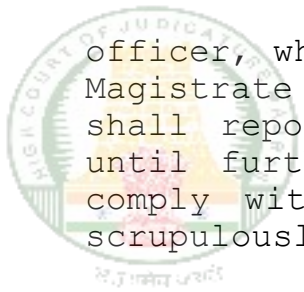
2. The petitioner in CrI.O.P(MD)No.2212 of 2017 are arrayed as A1 respectively, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 409, 420, 465, 468, 471, 477 r/w.109 of IPC., and Section 13(1)(c)&(d) r/w.Section 13(2) of Prevention of Corruption Act, 1988, in Crime No.1 of 2017, on the file of the respondent Police, seeks anticipatory bail.

3. The learned counsel appearing for the petitioners states that the petitioners did not commit any offence, as alleged by the respondent and the petitioners did not have any involvement with the alleged occurrence. The complaint is given based on the Newspaper publications and as per the direction of this Court and there is no merit in the complaint. He also submitted that the contractors have settled the entire amount already, as per the direction of the Commissioner of Corporation. The petitioners are the Government Servants and they are also suffered by way of Departmental action and they are wrongly prosecuted in this case and they have been falsely implicated in this case.

4. The learned Government Advocate (crl.side) appearing for the respondent states that there are totally 16 accused in this case. The FIR was registered, as per the direction given by this Court. The petitioners are officials of Madurai Corporation and during the Financial Year 2010-2011, the petitioners and others had misappropriated the corporation money to the tune of Rs.1,07,93,100/- by way of fabricated documents and the petitioners herein have colluded with the above misappropriation and sanctioned and affixed his signature related financial documents and the investigation is still pending. The alleged loss of Rs.1,07,93,100/- was recovered from the contractors by the Corporation itself. Eight contractors in this case were granted anticipatory bail, as per the order in CrI.O.P(MD)No.1875 of 2017, dated 23.02.2017. A4, who is the Corporation Officer, was granted anticipatory bail, as per order in CrI.O.P(MD)No.2153 of 2017, dated 01.03.2017.

5. Considering the above facts and circumstances of the case and also the alleged misappropriation of the amount by way of forgery documents, without doing any work, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Special Judge (Prevention of Corruption Cases), Madurai, on condition that each 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 the petitioners shall report before the respondent police daily at 6.00 p.m., until further orders, for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
02/03/2017

/ TRUE COPY /

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

TO

- 1 THE SPECIAL JUDGE (PREVENTION OF CORRUPTION CASES),
MADURAI.
- 2 STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION DEPARTMENT,
THALLAKULAM,
MADURAI.
- 3 STATE REP. BY
THE INSPECTOR OF POLICE,
PREVENTION AND ANTI CORRUPTION DEPARTMENT,
MADURAI.
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.KARTHIK Advocate SR.No.12091
+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.12161

ORDER
IN
CRL OP(MD) Nos.2207 and 2212 of 2017
Date :02/03/2017

MKV-CM-MSA-SAR 3/6.3.2017/3P-7C