



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.54,100 AND 61 of 2018

1 KALAIGANAM,
2 A.NATARAJAN,
3 S.RAVICHANDRAN,
4 S.SENTHAMARAI,
5 P.RAJENDRAN,
6 K.MANIVANNAN,
7 T.KUMAR,

...PETITIONERS/ACCUSED 2,3&6 TO 10
IN CRL OP (MD) NO.54/2018

R.MUTHUKUMAR

...PETITIONER/ACCUSED NO.5
IN CRL OP (MD) NO.100/2018

1 G.VAIRAVAN
2 SHANMUGAM
3 P.SIVARAJ
4 G.THENKOVAN
5 VETHACHALAM
6 NATHIYA
7 P.NEELAKANDAN
8 V.GANESAN

...PETITIONERS/ACCUSED 4&11 TO 17
IN CRL OP (MD) NO.61/2018

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT.
(CRIME NO.15 OF 2017)

... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONS

For Petitioners : M/S.R.VENKATESHWAR Advocate
IN CRL OP (MD) NO.54/2018
:MR.K.BAALASUNDHARAM, Advocate
IN CRL OP (MD) NO.100/2018
: MR.K.M.KARUNAKARAN, Advocate
IN CRL OP (MD) NO.61/2018

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl. Side)
IN ALL THE PETITIONS



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

ORDER : The Court Made the following order :-

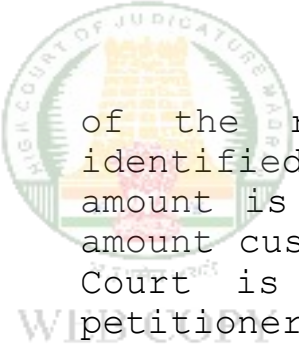
The petitioners, who are arrayed as accused No.2,3 & 6 to 10 in CrI.O.P(MD).No.54 of 2018, accused No.5 in CrI.O.P(MD).No.54 of 2018 and accused No.4 & 11 to 17 respectively, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 120(b), 409, 420, 468, 471, 477A r/w 34 of IPC, registered in Crime No.15 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is working as Block Development Officer lodged a complaint as per the instruction given by the District Collector alleging that the petitioners have diverted the funds from the 2nd and 3rd account to the 1st account, since there were no funds in the first account and further that the above said diversion of funds has been made without obtaining proper permission from the concerned authority and therefore, it is alleged that above said diversion of funds amounts to misappropriation and malpractice committed by the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are the innocent persons and they have been falsely implicated in this case and they are no way connected to this case.

4.The learned Additional Public Prosecutor submitted that the investigation is not yet completed.

5.The submissions made by the learned counsel on either side are considered. The petitioners are working as Panchayat Secretaries in various Panchayats, Thanjavur District. The offences under Sections 120(b), 409, 420, 468, 471, 477A r/w 34 of IPC have been registered against the petitioners. It is alleged the petitioners are in collusion with one Block Development Officer, transfer the Government fund from one account to another account and utilised the same. As per the complainant, the petitioners have mis-appropriated the funds. According to the petitioners, they are not having any power to sign in the cheque. Accordingly, they are in no way connected with alleged crime. On the other hand, the counsel appearing for the petitioners themselves admitted that the petitioners are working under the control of the Block Development Officer. So, simply says they are the executors for the work assigned by the Block Development Officer. In this alleged occurrence the amount of Rs.84 lakhs was mis appropriated. The Submissions made by the petitioners that they are not having any knowledge



of the responsibility for the alleged crime has to be identified only at the time of trial. Further mis-appropriated amount is not recovered so far. So, for recovery of the said amount custodial interrogation is necessary. Accordingly, this Court is not inclined to grant anticipatory bail to the petitioners.

6. These Criminal Original Petitions are dismissed.

sd/-

09/01/2018

/ TRUE COPY /

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

TM/RMI
TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.

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

+1. CC to M/S.K.BAALASUNDHARAM, Advocate SR.No.453

GJM/RR/SAR-2-22.1.18-3P-4C

ORDER

IN

CRL OP (MD) No.54, 100

& 61 of 2018

Date : 09/01/2018