



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

Date : 20/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.13110 of 2020

M.Thiruneelakandan

... Petitioner/Sole Accused

Vs

State Represented by
The Inspector of Police,
Sankaran Kovil Town Police Station,
Tirunelveli District.
Crime No.681 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel for
Mr.K.Prabhu, Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

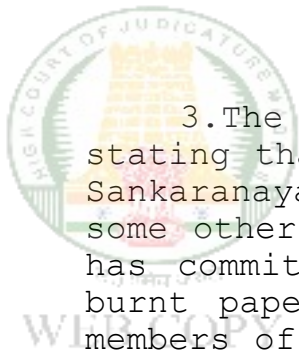
PRAYER :-

For an Anticipatory Bail in Crime No.681 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 408, 447, 435, 201 IPC and Section 4 of TNPPDL Act seeks anticipatory bail.

2.The learned Senior Counsel appearing on behalf of the petitioner made a submission that the petitioner is no way connected with the alleged occurrence and he was falsely implicated in the criminal case. There is no evidence to establish *prima facie* case against the petitioner and on the ground of certain personal vengeance the department officials have lodged a complaint against the petitioner, hence bail is to be granted.



3.The learned Government Advocate(Crl.Side) raised objection by stating that the petitioner/accused is an Accountant working in the Sankaranayanar Temple at Sankarankovil and he was transferred to some other section in the same office. In view of the transfer he has committed an offence by burning official records. The mixed burnt papers were identified nearly the toilet. The other staff members of the office collected those burnt remains and handed over the same to the officers who in turn lodged the complaint and accordingly a case is registered against the petitioner.

4.This Court is of the considered opinion that though it remains as allegation the truth behind the incidents are to be culled out only by conducting an investigation. Appreciation of facts in a anticipatory bail petition is impermissible.

5.The case of the prosecution is that the official records were burnt by the petitioner/accused and the remains were identified and handed over by the Departmental Officials to the police and the case is registered.

6.The nature of offence is undoubtedly serious if an employee on transfer if at all commits any such offence it affects the public interest as well as public administration. If such an attitude of an employee is encouraged by any one the same would result in serious consequences and therefore there cannot be any leniency in respect of such allegation of burning official records by the employees. Employees of a particular section are the custodian of the official records. If the custodian of the official records have indulged in such illegal activities then larger investigation is to be conducted by interrogating all the officials who are all having knowledge or working in the office or otherwise. Such an exercise is to be done by the respondent police and at this point of time this Court cannot appreciate the fact and circumstances narrated by the learned senior counsel for the petitioner. Those facts are to be verified and further investigations are required . *Prima facie* the allegations against the petitioner both in the complaint submitted by the higher officials and HR & CE Department as well as the statements are undoubtedly serious in nature. Thus petition for anticipatory bail deserves no merit consideration.

7.The learned Senior counsel appearing for the petitioner made a submissions that the nature of documents alleged to be burnt and its particulars were not produced.

8.In this regard, the learned Government Advocate (Crl.side) states that such facts are to be culled out only through investigation and interrogation, what is the nature of files and what are the particular matter of a file are all the subject matter of investigation and therefore the said ground cannot be a ground for granting anticipatory bail.



9. In the result, this Criminal Original Petition stands dismissed.

sd/-
20/11/2020

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WEB COPY

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13110 of 2020
Date : 20/11/2020

aav/vsd
AE/AKM/SAR-II (26.11.2020) 3P / 3C