



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 15/12/2021
PRONOUNCED ON: 21/12/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18384 of 2021

1. J.John Prabhu
2. C.R.P.Benatic Andro Rathinam ... Petitioners/Accused No.1&2

Vs

The State rep.by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
Crime No.283 of 2021. ... Respondent/Complainant

For Petitioners: Mr.G.KARUPPASAMY PANDIAN, Advocate
for MR.SURESH KANNA.V, Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

For Intervenor : M/s.S.MAHALAKSHMI, Advocate

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

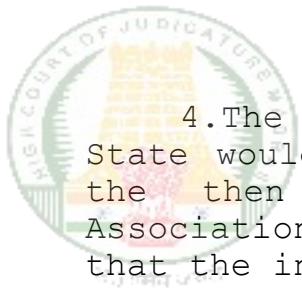
PRAYER :- For Anticipatory Bail in Crime No.283 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 465, 467, 468, 471, 477A, 201, 420, 294(b) and 506(i) I.P.C., in Cr.No.283 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the present Secretary of one Nadar Uravinmurai Association, Kalugumalai gave complaint by alleging that while checking the accounts for a period from March 2011 to 25.06.2019 regarding Kamaraj Nursery and Primary school which belongs to the said Association, it was found that a sum of Rs.51,19,955/- was defrauded by the then Correspondent and a sum of Rs.5,31,347/- was defrauded by the then Secretary of the said Association. Hence, the present complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioners are A.1 and A.2, who were the then Correspondent and Secretary of Nadar Uravinmurai Association, Kalugumalai and they have defrauded the amounts and that the investigation is pending.

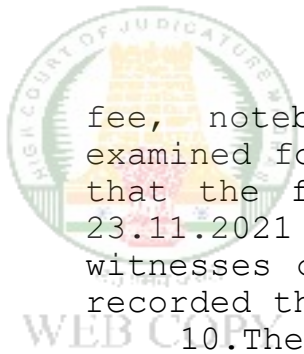
5.Heard the learned Counsels for the petitioners and the intervenor and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

6.Admittedly, the defacto complainant is the present Secretary of one Nadar Uravinmurai Association, Kalugumalai and that the first petitioner/A.1 was the former Correspondent and the second petitioner/A.2 was the former Secretary of the said Nadar Uravinmurai Association. It is the specific case of the prosecution that the defacto complainant and his team, after taking charge of the Association and during audit, they found that a sum of Rs.51,19,955/- was defrauded by the first accused and a sum of Rs.5,31,347/- was defrauded by the second accused. In the complaint, it has been stated that the first petitioner has misappropriated a sum of Rs.12,13,368/- in the note books account, Rs.2,84,330/- in the Educational Fees account, Rs.10,78,055/- in transport charges account and including some other accounts, they have arrived at Rs.51,19,955/- on the part of the first petitioner and that they have further stated that the second petitioner has allegedly misappropriated a sum of Rs.30,000/- in the notebook account and he had directly credited the amount of Association into his personal account and thereby misappropriated to the tune of Rs.5,31,347/- by the second petitioner.

7.The learned counsel for the intervenor has also produced the copies of bye-laws of society, bank statements showing the credit and withdrawal made by the accused and the audit reports.

8.When the matter was taken up for hearing on 06.12.2021, after hearing the submissions made by the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Additional Public Prosecutor for the respondent, this Court has directed the petitioners as well as the intervenor to appear before the respondent on 09.12.2021 and co-operate for the enquiry and posted the matter on 13.12.2021.

9.On 13.12.2021, the respondent has filed a status report stating that after registering the case, he visited the place of occurrence and examined 8 witnesses and recorded their statements, that witnesses have categorically stated about the offence committed by the accused and that witnesses Chinnappan, Albert and Arockiaraj have given statements to the effect that the accused have destroyed the records by setting fire. In the said report, it has been further stated that the defacto complainant appeared before the respondent and examined the account books in respect of tuition fee, bus



fee, notebooks fee, ECA and others etc., that the respondent examined four witnesses on 23.11.2021 and recorded their statements, that the fourth accused Jeyaraj has also appeared for enquiry on 23.11.2021 and that the respondent has further examined three witnesses on 06.12.2021 and three other witnesses on 07.12.2021 and recorded their statements.

10.The learned Additional Public Prosecutor would further submit that during investigation they came to know that the present President Jeyaraj and Vice President Selvaraj of the said Sangam have colluded with the petitioners/accused Nos.1 and 2 and Vice President destroyed the documents in the presence of other accused and therefore, the present President and Vice President were also added as accused in the present case. He would further submit that they are collecting material evidence against the accused persons and that since Rs.56,51,342/- has been misappropriated by the accused, the custodial interrogation is very much necessary.

11.Considering the above facts and circumstances and also considering the quantum of amount involved and also taking note of the fact that the accused have destroyed some of the records and the investigation is pending as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant anticipatory bail to the petitioners.

12.In the result, this Criminal Original Petition is dismissed.
sd/-

21/12/2021

/ TRUE COPY /

/ /2021

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,
KALUGUMALAI POLICE STATION, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SURESH KANNA.V, Advocate SR.No.9173

ORDER IN

CRL OP(MD) No.18384 of 2021
Date :21/12/2021

SA/JM/SAR.2/27.12.2021/3P/4C

<https://hcservices.ecourts.gov.in/hcservices/>