



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

Wednesday, the Fifteenth day of December Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.19289 of 2021

S.MUNIYASAMY ... PETITIONER / ACCUSED NO.1

Vs

STATE REP BY  
THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, TENKASI DISTRICT  
(CRIME NO. 3 OF 2021) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.KATHIRVELU, Senior Counsel for  
M/S. PRABHU.K. Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate ( CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 167, 409, 465, 467, 468, 477(a) and 120(B) IPC, in Crime No.3 of 2021 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the prosecution, this petitioner, who is the Secretary of Thenmalai Village Panchayat, has misused the specimen signature of the Special Officer of Thenmalai Village Panchayat, in the building plan submitted by A2 and he has also not remitted the amount in the panchayat account.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

4.From the pleadings narrated above, this petitioner was working as Secretary in Thenmalai Village Panchayat and during that period, according to the prosecution, he created a false document, dated 29.10.2020, as if the plan approval has been sanctioned in

<https://hcservices.courts.gov.in/hcservices> Services of the Government of India, New Delhi



5.The original document is not available and it has not been secured so far from A2, which according to the petitioner, he is the kingpin for the alleged forgery and the petitioner has only made side initial in the sanction order and apart from that, he has not at all played any role in fabrication of records, which are official records in nature. On the direction, the copy of the above said disputed document has been produced by the prosecution, wherein, we find that the signature of the Special Officer has been forged.

6.According to the prosecution, this petitioner made a side initial in it. When a specific question was put to the learned counsel appearing for the petitioner to the effect that how the disputed document came to the hand of this petitioner, he would submit that in the course of routine official duty, so many documents have been dealt by this petitioner, one among them is the present document.

7.But further perusal of the document shows that there is *prima facie* material available to show that this petitioner is also involved in the above said offence. The reason being that, on query made by the Investigation Officer, the Block Development Officer has given reply stating that the receipt, dated 29.10.2020 is also forged one. According to the Block Development Officer, the receipt has been forged by the petitioner and the amount, which was collected on that date, was also belatedly remitted on 16/10/2021. According to the Block Development Officer, there was also temporary misappropriation of the amount, that has been collected for sanctioning the plan approval. So these are the matters for investigation and the departmental action was initiated against which this petitioner filed writ petition.

8.Even though the allegation that has been made against this petitioner is serious in nature, the physical condition of this petitioner is the only relevant factor, that can be taken into account by this court for considering this petition.

9.The disability certificate of this petitioner along with copy of the service register is produced before this court, wherein, we find that he is physically challenged person and his disability is noted as 50%. So considering the facts and circumstances of this case and also considering the physical condition of this petitioner, this Court is inclined to **grant anticipatory bail** to the petitioner with certain conditions.

10.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Tirunelveli and on his executing 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 learned



Magistrate concerned and the petitioner shall appear before the respondent police once in a week at 10.00 am, till the investigation process is completed. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-  
15/12/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.

3 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, TENKASI DISTRICT

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

+1 CC to M/s.K.PRABHU, Advocate ( SR-9360[I] dated 16/12/2021 )

ORDER  
IN  
CRL OP(MD) No.19289 of 2021  
Date :15/12/2021

TR/JC/SAR-III(20.12.2021) 3P 6C