



Crl.O.P.No.14844 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 409 of IPC and Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, in Crime No.RC.MA0322020A0023, seeks anticipatory bail.

2. The case of the prosecution is that the Indian Red Cross Society is a statutory body constituted under the Indian Red Cross Society Act, and the Governor of Tamilnadu is the President of the Tamilnadu Branch. It carried on day care services, free hearse services, disaster management activities, blood bank and allied activities, etc. The Society depends on corpus funds maintained, funds by way of donations, grants, income generated from the properties owned, collection from the public and the students, etc. The Chairman and the Members of the Managing Committee are elected by the due process and the appointments are based on the Uniform Rules. It is alleged that the Tamilnadu Branch was not functioning properly for years and the fixed



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assets had been leased out to third parties. The accounts were not provided for the expenses met. The Managing Committee of the Tamilnadu Branch committed fraud and irregularities in collusion with General Secretary, Joint Secretary and Vice president of the branch. The audit conducted by the auditors at the instance of the Hon'ble Governor exposed financial mismanagements. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the Hon'ble Governor of Tamilnadu had nominated the petitioner as Chairman of St. John ambulance between December 2010 and December 2019. On 23.12.2019, the petitioner along with his team of Managing Committee took charge. The complainant dealing with St. John Ambulance affairs, had a different plan to nominate a person of his choice, and he did not recognize the election process and got person of his choice nominated as Chairman, disregarding the rules amended and approved by the AGM headed the Governor of Tamilnadu. The petitioner was nominated as Vice President of the Society to unearth the wrong doing and financial embezzlement of the Managing Committee.



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Therefore, the petitioner had a tenure as Vice President between 01.08.2016 to 31.07.2018 and his role is to discharge the functions of the President in the absence of the President. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Special Public Prosecutor (CBI cases) filed counter and submitted that certain files, vouchers and records relating to the expenses made during the tenure of the petitioner were found missing and the same was ratified by the Committee. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the other accused persons had already filed petitions in W.P.Nos.2007 & 2031 of 2021 to quash the Government order in G.O.Ms.No.181 dated 09.04.2020, thereby granting consent of the State Government for investigation to be conducted by the respondent. Though this Court granted interim stay, finally dismissed the petitions by an order dated 24.06.2022. Therefore, the earlier anticipatory bail petition was closed for the reason that there is no apprehension of



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arrest. Now the petitioner apprehends arrest and filed this present petition. Considering the above facts and circumstances, this Court feels that the custodial interrogation of the petitioner does not require in this case and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned VIII Additional Court for CBI Cases, Chennai, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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