



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

Date : 11/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14302 of 2022

R.Muthamilselvan, ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No. 16 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Ramsundarvijayraj S,Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 467, 468, 471, 420 and 201 of IPC, in Cr.No.16 of 2022, seeks anticipatory bail.

2.The defacto complainant namely, R.Jansirani, who is Executive Officer, Tamil Nadu Rural Transformation Project (TNRTP), Thoothukudi, lodged a complaint stating that the petitioner had created forged signature of District Collector, Thoothukudi and release the fund to various schemes and misappropriated the Government Funds. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second anticipatory bail application. Earlier bail application filed by the petitioner in Crl.OP(MD)No.10447 of 2022 was withdrew by the petitioner on 21.06.2022. From 10.03.2022 to 11.04.2022, various proceedings were



initiated against the petitioner and Enquiry Officer appointed for enquiring about the misappropriation of Rs.7.50 lakh. Now, in the FIR, they have further stated that more funds have been misappropriated by the petitioner. The petitioner is only Recommending Authority. Totally 7 documents. Out of 7 documents, 5 documents were missing. Only 2 documents are available. There was no solid evidence to prove that the petitioner is involved in the misappropriation of the above said amount. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had created forged signature of District Collector, Thoothukudi and release the fund to various schemes and misappropriated the Government Funds. Only the District Collector is the signing authority, not the petitioner and the investigation is in preliminary stage. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the amount involved in this case, the custodial interrogation of the petitioner is necessary and the investigation is in preliminary stage. Hence, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

11/11/2022

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

DSS

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
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14302 of 2022

Date :11/11/2022