



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . Nos.15064 and 15524 of 2022

1 M.Paramasivam
2 S.Madasamy

... Petitioners/Accused Nos.4 & 5
in Crl.O.P(MD).No. 15064 of 2022

1 P.Megathuraja
2 P.Murugasan

... Petitioners/Accused Nos.1 & 6
in Crl.O.P(MD).No. 15524 of 2022

Vs

1 The Deputy Superintendent Of Police,
District Crime Branch,
Virudhunagar District..

2 The Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No.11 of 2022.

... Respondents/Complainants
in both Ops

M.Chandran

... Intervener/Nil/
Defacto Complainant
In Crl.MP(MD).10127/2022 in
Crl.OP(MD).15064/2022

... Intervener/Nil/
Defacto Complainant
In Crl.MP(MD).10584/2022 in
Crl.OP(MD).15524/2022

in Both Petitions:

For Petitioner : M/s.Solaisamy M,
Advocate.

For Respondent : Mr.K.Sanjai Ganhdi,
Government Advocate (Crl.Side)

For intervenor : Mr. S.M. Anantha Murugesan

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



COMMON PRAYER :- For Anticipatory Bail in Crime No.11 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 420 and 477(A) IPC in Crime No.11 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the De-Facto Complainant, is that A1 and others were serving as Office bearers in the Perumalpatti Nadar Uravinmurai, Srivilliputur during the year 2017-2019 and and that time, they have given a sum of Rs.14,00,000/- as bribe to the Minister for school recognition and had swindled amounts to the tune of Rs.75,00,000/- of the association and thereby, caused loss and hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners in Crl.O.P(MD).No.15064 of 2022 are A4 and A5 and the petitioners in Crl.O.P(MD).No.15524 of 2022 are accused 1 and 6. He would further submit that the petitioners are office bearers of the Perumalpatti Nadar Uravanimurai Srivilliputur's registered society and the said society has been running a school in the name of PNUP Kamrajar Matriculation School from the year 2006. From the date of formation of a society, the office bearers have been elected by way of general elections conducted once in three years and that they have been elected through elections and there used to be rivalry between two groups. He further submitted that the school was started in the year 2006 as primary school and in the year 2013 it was upgraded as Middle School and in the year 2016 the school was upgraded as high school and in the year 2018-2019 was upgraded as higher secondary school and that the petitioners have discussed at Uravanimurai meeting and then, they proceeded with concerned authorities and the petitioners have not mis-appropriated the amount for their personal use. He would further submit that based on the complaint given by the defacto complainant A2 and A3 have already been arrested and released on bail. The defacto complainant had earlier preferred the complaint to the Superintendent of police and based on the complaint, the petitioners were called for enquiry and they have duly appeared before the respondent police on summon and answered for enquiries and that the respondent police finding that the petitioners have not committed any offence did not take steps to arrest them. Further, suppressing the same, fresh complaint has been given by the defacto complainant and he further submitted that the case of the prosecution is borne out by records and the petitioners are ready to appear before the respondent police for investigation and thereby, seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the the petitioners are office bearers of the society from the year 2017-2019, which is managing the school. The petitioners have



in the guise of spending money to the Minister for ()ing recognition for their higher secondary school mis-appropriated the amount of Rs.75,00,000/- belonging to the society and thereby, he opposes to grant anticipatory bail to the petitioners. He further submitted that a case has been registered based on reference from the Superintendent of Police and the main accused have already been arrested and later released on bail.

5. The learned counsel for the intervenor would submit that the accused were office bearers of the society and they had in the guise of paying bribe amount to the Minister for obtaining recognition for the higher secondary school had mis-appropriated funds to the tune of Rs.75,00,000/- belonging to the society. He further submitted that the case has been registered based on the reference of the complaint given by the Superintendent of Police. He further submitted that there are materials to prove that the petitioners have mis-appropriated the amount.

6. Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that the petitioners are office bearers of the society and the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Virudhunagar**, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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.

sd/-

14/12/2022

WEB COPY

/ TRUE COPY /

/01/2023

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT..
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.SOLAISAMY M Advocate SR.No.14851 & 14852

ORDER

IN

CRL OP (MD). Nos.15064 and
15524 of 2022

Date :14/12/2022

SA/SSS/SAR.4/06.01.2023/4P/8C