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

Dated: 18/10/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.17298 of 2022

R.Valli

... Petitioner/Accused No.2

Vs.

StateRep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.15 of 2022)

... Respondent/Complainant

K.Nallathambi

... Petitioner/Intervener
(in Crl.M.P. (MD)No.11895/2022)

For Petitioner : Mr.D.Shanmugaraja Sethupathy, Advocate
for Mr.D.Murali, Advocate

For Respondent : Mr.RMS.Sethuraman,
Government Advocate(Criminal side)

For Intervener : Mr.S.C.Herold Singh, Advocate

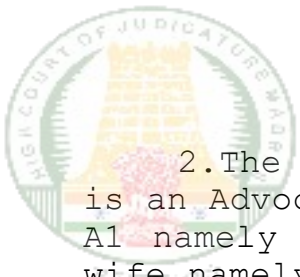
PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C.

PRAYER:-

For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 IPC, in Crime No.15 of 2022 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the de-facto complainant is an Advocate and his wife namely Malathi is a District Councillor. A1 namely Ravichandran is a functionary of a political party. His wife namely second accused was the Vice Chancellor of Mother Theresa University, Kodaikanal for the period between 2016 and 2019. The complainant became a friend of one Vijay. The above said Vijay requested the de-facto complainant to arrange jobs for his relatives. In the second week of October, 2017, he introduced the accused persons to the above said Vijay. At that time, the paternal Uncle Ganesh was also present. At that time, A2 promised to arrange jobs for various persons and on that account, the wife of the above said Vijay, paid Rs.15,00,000/- for getting Assistant Professor in Computer Science Department. The above said amount was paid to A1 Ravichandran. That amount was in turn handed over to A2. At that time, he handed over the blank application and also demanded balance amount of Rs.10,00,000/- for arranging job. One Sathya, Srija and the above said Vijay handed over Rs.45,00,000/- to A1. Similarly for various jobs like clerk, etc. Rs.23,00,000/- was paid to the above said Ravichandran by the above said Vijay. But during the office of the above said A2, no jobs were provided They were delaying the appointment on the ground that cases are pending in the court. When the money was demanded back, A1 was delaying the same. But later, the above said Vijay started making trouble. Similarly, Rs.12,00,000/- was also paid by Boopalan, Sattur Mani to A1 for arranging job in Pachayat Union. Over the above said amount, Rs.25,00,000/- was returned. Out of Rs.25,00,000/-, Rs.15,00,000/- was paid to Vijay. Balance amount was not paid. By misusing the official power, 2nd accused has swindled huge money and he was also cheated by A1, so also other persons. Based upon the above said complaint, the case has been registered.

3. Seeking anticipatory bail, this petition has been filed.

4. Heard both sides.

5. Earlier along with A1, this petitioner moved **Cr1.OP (MD) No.15425 of 2022** and that came to be dismissed by this court, on 06/09/2022, considering the gravity of the allegation and the amount that has been involved. Even during the course of the above said order, it is observed by this court to the effect that inter-party and internal rivalry between the two brothers cannot be taken into account by this court for considering the anticipatory bail application, because, it was repeated submitted before this court that to wreck vengeance political and personal vengeance, the de-facto complainant, who is the own brother of A1 has lodged a complaint with an ulterior motive, etc. But that contention was rejected by this court on the ground that the court has considered the victim of the crime and not the above said personal and political rivalry between two brothers.



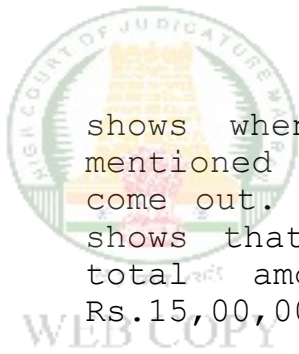
6.No doubt that both A1 and the de-facto complainant were not having good conduct and good precedent also. Even though, it has been submitted A1 to the effect that so far, no case has been registered against him, whereas against the de-facto complainant, several cases including the forgery of appointment order of this court has also been levelled. All these things were brushed aside by this court focusing mainly on the plight victims of crime. After the disposal of the above said order, A2 the wife A1 moved this separate anticipatory bail for the second time.

7.According to the learned counsel appearing for the petitioner, during the course of the above said main petition, some important aspects were not brought to the notice of this court. According to the learned counsel appearing for the petitioner, the main allegation against this petitioner is that she is the main beneficiary of the above said crime; But however, he would submit that absolutely, no probability and possibility for committing such sort the crime for the simple reason that during the time of appointment-notification was not issued in respect of the Assistant Professor and Clerical post. Apart from that, one Sreeja and Sathya have not even applied for the post of Assistant Professor. They have not made any application in pursuance of the notification, dated 17/04/2018. According to the petitioner, these important factors were not brought to the notice of this court, in the earlier occasion.

8.No doubt that these points are available for the petitioner that they were not brought to the notice of this court at the first instance. But the fact remains on perusal of the CD file shows that the statement of the victims have been recorded. Against the statement of the above said victims, the petitioner wants to rely upon the statement of one Boobalan and another person disowning any involvement in the above said issue.

9.No doubt that some of the persons supporting the case of the petitioner and many of the victims are against the petitioner. When *prima facie* materials have been collected in the form of statement of the victims, the contention on the part of the petitioner that the above said persons neither applied for the respective posts, or notification was not issued for some of the posts, for which the above said amount alleged to have been paid cannot be acceptable. The entire crime must be thoroughly investigated.

10.In respect of notification, perusal of the CD file further reveals that a communication was sent to the Vice Chancellor of the Annai Theresa University, Kodaikannal for gathering the information with regard to filling up of posts in various categorical from 2016 to 2019, during which this petitioner was the Vice Chancellor of the University. Similarly, a query has also been asked, whether the Application No.351 and coding sheet were delivered from the office. The letter is dated 23/08/2022. But the reply is awaited. So it



shows when the investigation is in the preliminary stage, as mentioned above, after thorough investigation only, the truth will come out. But as per the statement of the victims so far recorded shows that totally, Rs.77,00,000/- has been misappropriated. The total amount involved is Rs.92,00,000/-, out of which, Rs.15,00,000/- has been returned by the accused persons.

11. So, I find absolutely no merit in this petition, even though the petitioner occupied very high position in the University. Considering the gravity of the offence, this court is not inclined to grant anticipatory bail to the petitioner, if granted, there is every likelihood of tampering the evidence and absconding.

12. In the result, this criminal original petition is **dismissed**.

Sd/-
18/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.MURALI.M Advocate SR.No.11648

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.11692

ORDER
IN
CRL OP(MD) No.17298 of 2022
Date :18/10/2022