



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2022

PRESENT

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

CRL OP(MD) . Nos.17308 and 17314 of 2022

WEB COPY

1. Jiji

2. A.K.Suresh

3. N B Jayaprakasan

... Petitioners/Accused 5,7,8
in Crl.O.P(MD) No.17308 of 2022

R.Sathia Moorthy

... Petitioners/Accused (Rank.2)
in Crl.O.P(MD) No.17314 of 2022

Vs

The State rep.by,
The Inspector of Police,
Vigilance and Anti Corrruption,
Madurai District.
(Crime No.7/2022).

... Respondent/Complainant
in both cases

(In both cases)

For Petitioner : Mr. AjmalKhan, Senior Counsel
for M/S. Ajmal Associates.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.7/2022 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A5,A7, A8 and A2, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 120(B),167,409,465,468,470,471 and 477(A) of IPC , Section
12(2)r/w.13(1)(c) & (d) of Prevention of Corruption Act, 1988 and
Section 7(a) of Prevention of Corruption (amendment) Act,2018 in
Crime No.7 of 2022, seek anticipatory bail.

2.The case of the prosecution is that for admission in the
Madurai Kamaraj University (Distance Education) the applicant
should pay the registration fee of Rs.200/-(through Demand Draft

<https://www.mhc.gov.in/judis>



only) along with the application and it should be submitted to the Coordinator of the nearest Madurai Kamaraj University Academic Centre and after completion of the Course the students would receive the course completion certificate, provisional certificate and consolidated mark statement from the university. It is the further case of the prosecution that in the audit it was found that the registration fees which was collected, has not been paid. The petitioners herein in collusion with A1 to A4 caused loss to the tune of Rs. 1,39,700/- to the university. Hence the case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that they have sent the Demand draft to the university but it has not been encashed through bank.

4.The learned Additional Public Prosecutor would submit that the investigation is at the preliminary stage. He would further submit that custodial interrogation of the Petitioners is not necessary and the petitioners may be directed to appear before the respondent for enquiry.

5.Considering the facts and circumstances of the case and also considering the submission made by either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court under Prevention of Corruption Act, Madurai on condition that the petitioners shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 daily at 10.30 am for a period of one week and thereafter as and when required for interrogation.

(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 Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/09/2022

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

AAV

TO

1. THE JUDGE,
SPECIAL COURT UNDER PREVENTION OF CORRUPTION ACT, MADURAI.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-10703,10712[I] dated 29/09/2022)

ORDER
IN
CRL OP(MD). Nos.17308 and 17314 of 2022
Date :28/09/2022

RK/GB/SAR- (10/10/2022) 3P/6C