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CRL OP(MD). N



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

Date : 19/12/2022

PRESENT

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

CRL OP(MD) . No.21854 of 2022

R.Muthamilselvan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.16/2022).

... Respondent/Complainant

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

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

PRAYER :-

For Anticipatory Bail in Cr No.16/2022 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 case of the prosecution is that the petitioner, who was working as District Executive Officer of Tamil Nadu Rural Transformation Project, Thoothukudi had fabricated the signature of the District Collector, Tuticorin and had released the fund to various schemes and misappropriated the Government fund. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that based on the above said complaint, enquiry was conducted by the Joint Director and during the course of enquiry, it was found that the allegations are false and no such amounts have



been released to any of the schemes and no amount has been appropriated and he has also given a report dated 18.04.2022. He would further submit that when the matter was argued on the earlier occasion in Crl.O.P(MD) No.14302 of 2022, the said report was not placed before the Court and no arguments were made with regard to the same before this court and that the same was dismissed on 11.11.2022. He further contended that enquiry report is a crucial document, which absolves the petitioner from liability and there is no allegation against the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the allegation against the petitioner is that he had forged the signature of District Collector and mis-appropriated the huge amount from various schemes. He would further submit that though the Joint Director conducted enquiry and absolved the petitioner, investigation by the respondent shows that the forgery has been committed by the petitioner, however he would contend that no amount has been misappropriated and it was an attempt

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that enquiry has been conducted by the Joint Director and during the investigation it was found that only attempt was made and no amount has been released under any scheme, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate No.IV, Thoothukudi 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 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., until further orders.

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



[d] the petitioner shall not abscond either in 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.

sd/-
19/12/2022

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/12/2022

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

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TO

- 1.THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21854 of 2022
Date :19/12/2022

RK/BUC/SAR-2 (26/12/2022) 4P/5C