



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.2043 of 2023

WEB COPY

T.Sharmil

...Petitioner/ Accused No.1

-vs-

The State represented by
The Inspector of Police,
District Crime Branch,
Madurai District.
(in Cr.No.15 of 2021)

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.15 of 2021.

For Petitioner
For Respondent

: Mr.Ananth C.Rajesh
: Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120(B), 409, 468, 471, 406 and 420 of IPC in Crime No.15 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant is working as a General Manager of Meenakshi Mission Hospital and Research Centre. The petitioner was working as Principal in a college, namely, "Meenakshi Allied Health Sciences' at Kootakudi village, Melur Taluk Madurai District, which is run by Meenakshi Mission Hospital and Research Centre. The allegation against the petitioner is that the petitioner and other accused have misappropriated the College fee amount to the tune of Rs.38,21,830/- collected from the students. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner was working as Principal in "Meenakshi Allied Health Sciences' at Kootakudi village, Melur Taluk Madurai District, and during such time, one Mrs.M.Muthu Lakshmi, who was in-charge of the finance department, has misappropriated the fee amounts and other than being the Principal of the Institution, the



petitioner has not involved in the financial dealings. The responsibility was fixed on the petitioner to oversee the administration, the petitioner can be hauled up only for not exercising due diligence over the activities of the said Muthu Lakshmi. He would further submit that the co-accused in this case one T.Sumithra Devi has been granted anticipatory bail by this Court in Crl.O.P.(MD)No.13712 of 2021, dated 21.09.2021. He would further submit that the petitioner had tendered her resignation on 30.11.2020 and that the same was also accepted and the petitioner was also relieved from duty. Hence, he would pray for anticipatory bail to the petitioner.

4. *Per contra*, the learned Government Advocate (crl.side) would submit that the petitioner along with other accused had misappropriated an amount to the tune of Rs.38,21,830/-. He would submit that one M.Muthulakshmi, A2, in this case has already granted anticipatory bail by this Court on condition to deposit a sum of Rs.10,00,000/- to the credit of crime number. He would object for grant of anticipatory bail to the petitioner.

5. In reply, the learned Counsel for the petitioner would submit that A2 in this case had committed mistake and had repaid the amount and the petitioner had not committed any offence, as that of A3, T.Sumithra Devi.

6. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

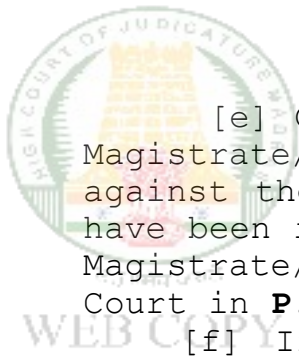
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Madurai, on condition that the petitioner shall execute a bond for 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am 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 during investigation or trial.



[e] On breach of any of the aforesaid conditions, the 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/-

02/02/2023

/ TRUE COPY /

/ 02 /2023

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

cmr

To

1.The Judicial Magistrate No.1, Madurai.

2. -do-Through The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
District Crime Branch,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-1776[I] dated 03/02/2023)

ORDER

IN

CRL OP(MD) No.2043 of 2023

Date :02/02/2023

RD/VR/SAR-IV(09/02/2023) 3P 6C