



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

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD). Nos.6508, 4659 and 5509 of 2022

- 1.Rajamanickam ... Petitioner/A14
in CrI.O.P. (MD) No.6508 of 2022
2. Kumaran
3. Kamaraj
4. Shanmugadevi
5. Mayilvaganan
6. Elango
7. Sivaprakasam
8. Suresh
9. Safuillah ... Petitioners/A6 to A13
in CrI.O.P. (MD) No.4659 of 2022
- 10.Mahadevan ... Petitioner/A15
in CrI.O.P. (MD) No.5509 of 2022

Vs

The Inspector of Police,
Vigilance and Anti Corruption Wing,
Pudukkottai District.
Crime No. 1 of 2022.

... Respondent/Complainant
in all petitions

In all petitions:-

For Petitioner (in CrI.O.P. (MD) No.6508 of 2022)

: Mr.M.Krishnaveni
Advocate.

For Petitioner (in CrI.O.P. (MD) No.4659 of 2022)

: Mr.V.Kathirvelu
Senior Counsel
for Mr.D.Rameshkumar
Advocate.

For Petitioner (in CrI.O.P. (MD) No.5509 of 2022)

: Mr.M.Ramu
Advocate.

For Respondent (in all petitions)

: Mr.B.Thanga Aravindh,
Government Advocate (CrI.Side)



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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.1 of 2022 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A6 to A15 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 468, 471, 477, 477(A), 167, 409 and 420 of I.P.C., Sections 13(1)(c) r/w 13(2) of Prevention of Corruption Act, 1988 and Section 13(1)(a) r/w 13(2) of Prevention of Corruption (Amendment) Act, 2018, in Crime No.1 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner/A14, who has been working as a Panchayat Secretary of Gandarvakottai Union at Pudukkottai District; the second petitioner/A6 is an erstwhile Block Development Officer; the petitioners 3 to 5/A7 to 9 are the erstwhile Deputy Block Development Officers; the petitioners 6 and 7/A10 and A11 are the erstwhile Assistant Engineers of Gandarvakottai Union, Pudukkottai District; the petitioners 8 and 9/A12 and A13 are Block Gandarvakottai Union Supervisors, Pudukkottai District; and the tenth petitioner/A15 is an Ex-Village President of Gandarvakottai Union. The allegation against the petitioners is that, during the allotment of Pradhan Mantri Awaas Yojana-Gramin (PMAY-G), the petitioners along with other accused had misappropriated the amount, which was allotted for the purpose of constructing houses under the scheme. Hence, the case.

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

4.The learned counsels appearing for the petitioners would submit that all the petitioners are Government officials under the scheme of Pradhan Mantri Awaas Yojana-Gramin (PMAY-G) and funds were allotted to nine beneficiaries to the tune of Rs.1,70,000/- for constructing a house. Out of the said amount, 75% was transferred to the beneficiaries accounts directly by the Union Government. The remaining 25% has to be paid by the State Government by supplying materials to the beneficiaries.

5.Now on inspection found that the petitioners have failed to supervise the beneficiaries to construct their houses in their respective land. Therefore, the custodial interrogation of the petitioners is not required in this case.



6. Taking into consideration of the facts and circumstances of the case, 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 Chief Judicial Magistrate/Special Judge, Pudukkottai, Pudukkottai District, 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 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, daily at 10.30 a.m., for a period of two weeks 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Chief Judicial Magistrate
/Special Judge, Pudukkottai,
Pudukkottai District.
2. The Inspector of Police,
Vigilance and Anti Corruption Wing,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KRISHNAVENI, Advocate (SR-3667[I] dated 08/03/2023)

ORDER
IN
CRL OP (MD) Nos.6508, 4659 and 5509 of 2022
Date : 08/03/2023

NA/SBN/SAR-I/20.03.2023/4P/5C