



CRL OP(MD) No.2182 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2182 of 2024

BALA KUMARESAN

... PETITIONER / 1st ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CRIME NO.29/2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.MICHAEL SEBASTIN, Advocate for
M/S.SRIDHARMOORTHY Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.29/2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC, in Crime No.29 of 2023, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner created a Trust in the name and style of Aadhava Trust and by inducing several innocent persons, had collected huge amount, as if, they will provide employment for the post of teacher in the Government school and thereafter, he gave an appointment order through Trust to the Government school and paid meagre salary of Rs.5,000/- and thereafter, he has not paid any amount and cheated the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would further submit that the said Aadhava Trust has entered into an agreement with the State Government for providing staffs and teachers to the Government Aided School. Since the Aadhava Trust could not receive any aid from the Government, the Aadhava Trust has given monthly salary to the defacto complainant for three months from the own pocket of the petitioner and therefore, non-payment of salary to the defacto complainant is neither wilful nor wanton. Hence, he prays for grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.side) strongly opposed to grant anticipatory bail to the petitioner stating that this is the third application for anticipatory bail and the earlier application filed by the petitioner in Crl.O.P(MD). No.14225 of 2023 was dismissed as withdrawn on 30.10.2023 and the second application filed by the petitioner in Crl.O.P(MD).No.22414 of 2023 was dismissed on 19.01.2023. The petitioner had approached the Educational Authorities, as if they fulfilled the infrastructure facilities to the school and in collusion with the Educational Authorities, they obtained permission and engaged teachers through the Trust and paid meagre amount and thereafter, refused to pay any amount. Initially, the petitioner created the Trust and by inducing several victims, had collected huge amount of more than Rs.24 Crores and there is no change of circumstance in this case.

5. It appears that this is the third application for bail and the earlier application filed by the petitioner in Crl.O.P(MD).No.14225 of 2023 was dismissed as withdrawn on 30.10.2023 and the second application filed by the petitioner in Crl.O.P(MD).No.22414 of 2023 was dismissed on 19.01.2023 by this Court on the ground that the petitioner had collected several lakhs of rupees from the innocent



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victims* and they were given an appointment orders through Trust to the Government school and paid meagre salary of Rs.5,000/- and after three months, he has not paid any amount and thereafter, the employment was discontinued and cheated the victims for more than Rs.24 Crores. Now, this application is filed by the petitioner without referring the change of circumstances to consider the case.

6.Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.

7. In the result, this Criminal Original Petition is dismissed.

sd/-
13/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

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



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

ORDER
IN
CRL OP(MD) No.2182 of 2024
Date :13/02/2024

SS/GS/SAR- /21/02/2024/5P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023