



CRL OP(MD) No.3595 of 2024

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

Thursday, the Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3595 of 2024

S.MUTHUSAMY

... PETITIONER/ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
V & AC POLICE STATION,
TRICHY DISTRICT.
CRIME NO.2/2024.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.MOHAN KUMAR, Advocate
for M/S.S.RAMSUNDARVIJAYRAJ Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.02/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.2, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 120(B) and 409
IPC and Section 13(2) r/w 13(1)(a) and 17(A)1 of Prevention of Corruption Act, 1988

(as amended in 2018), in Crime No.2 of 2024 on the file of the respondent Police,
<https://www.mhc.tn.gov.in/judis>



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seeks anticipatory bail.

2.The case of the prosecution is that the accused persons have misappropriated the RMSA (Rashtriya Madhyamik Shiksha Abhiyan) funds sanctioned for procurement of furniture to 23 Government Schools of Trichy District for the period 2019-2020 and 2020-2021 by violating guidelines issued by the State Project Officer, Samagra Shiksha Scheme, Directorate of State Project, Chennai-6.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.7,00,000/- to the Government Adidravider Welfare High School, Koppampatti, School Development and Management Committee, Account No.880701423, Branch : Indian Bank, Cantonment, Trichy.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the investigation is going on.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and (*)**he** 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 of receipt of a copy of this order, before the learned Special



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Judge for Prevention of Corruption Act Cases, Tiruchirappalli, 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 and on further condition that:

(a)As per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.7,00,000/-(Rupees Seven Lakhs only) to the credit of the Government Adidravider High School, Koppampatti, School Development and Management Committee, Account No.880701423, Branch : Indian Bank, Cantonment, Trichy without prejudice to (*)his rights and contentions before the trial Court and the petitioner is directed to produce the receipt/acknowledgment before the trial Court while executing the sureties.

(b)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as and when required



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for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

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

sd/-
07/03/2024

**(*)FOR BEING MENTIONED AS PER
ORDER OF THIS HON'BLE COURT
DT.14/03/2024 IN CRL.OP(MD).3595/2024.**

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/03/2024

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

SJI



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**TO
TO BE SUBSTITUTED WITH THE ORDER DT. 07/03/2024 ALREADEY
DESPATCHED**

1 THE SPECIAL JUDGE FOR PREVENTION OF CORRUPTION ACT CASES,
TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE, V & AC POLICE STATION,
TRICHY DISTRICT.

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
GOVERNMENT ADIDRAVIDAR HIGH SCHOOL,
KOPPAMPATTI, TRICHY DISTRICT.

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-12393[I] dated
14/03/2024)

ORDER
IN
CRL OP(MD) No.3595 of 2024
Date :07/03/2024

RS/VR/SAR-(13.03.2024) 5P 6C

INDU
PKP/GS/SAR /15.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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