



Crl.O.P.(MD)No.6383 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.6383 and 6603 of 2024

Crl.O.P.(MD)No.6383 of 2024

Raguveeraganapathy

... Petitioner/1st Accused

Versus

The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime No.6 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.06 of 2024 on the file of the Respondent Police.

Crl.O.P.(MD)No.6603 of 2024

T.Durga

... Petitioner/ Accused No.2

Versus



Crl.O.P.(MD)No.6383 of 2024

The Inspector of Police,
DCB Police Station,
Ramanathapuram District.
(Crime No.06 of 2024)

... Respondent/Complainant

For Petitioner : Mr.K.Jeyamohan, Advocate
For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.06 of 2024 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.06 of 2024, for the offence under Sections 409, 465, 469, 471 and 120B IPC, have filed these petitions seeking anticipatory bail.

2. The petitioner in Crl.O.P.(MD)No.6383 of 2024 is arrayed as accused No.1 and The petitioner in Crl.O.P.(MD)No.6603 of 2024 is arrayed as accused No.2. The case of the prosecution is that at the time of occurrence, A1 was working as District Panchayat Secretary and A2 is working as an Assistant. Based on the directions issued by the 15th Finance Commission, certain guidelines were issued for allocating subsidies and as per the guidelines issued by the Government, the District Collector is the competent person for approval of those subsidies. As per the directions issued by the 15th Finance Commission, for the year 2023-2024, a sum of Rs.3,76,75,000/- was



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allotted to the Ramanathapuram District for the purpose of Rural Development.

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While so, on 24.10.2023, A1 and A2 prepared the list of schemes and got approval from the District Collector, Ramanathapuram. Based on the approved schemes, A1 is said to have created an additional list of subsidy schemes for a sum of Rs.39,00,000/- and without getting proper approval from the District Collector, A1 is said to have released the same by way of Government Order dated 26.10.2023. Hence, the complaint.

3. The learned counsel appearing for the petitioner in Crl.O.P.(MD)No.6603 of 2024 submits that the petitioner was working only as an Assistant and she is in no way connected with the alleged commission of offence and she is not the authority to get sanction as projected by the prosecution.

4. The learned counsel appearing for the petitioner in Crl.O.P.(MD)No.6383 of 2024 submits that there is no violation committed by the petitioner herein.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submits that in G.O.(Ms.)No.18, Rural Development and Panchayat Raj (PR-1) Department, dated 03.02.2021, certain guidelines have been issued for the implementation of 15th Finance Commission grant to rural local bodies. Despite the same, A1, without following the said guidelines and without obtaining any sanction from the concerned District Collector, has issued the work orders and utilized a sum



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of Rs.38 lakhs for sanitary works. He further submits that on the complaint of the District Collector, they have registered a case and they have also stopped the payment for these works.

6. This Court considered the rival submissions made.

7. The allegation as against the petitioners is that they have released the panchayat amount for sanitary works, without getting any sanction from the concerned District Collector. But, the fact remains that the amount has not been disbursed so far and there is no loss caused to the panchayat.

8. Considering the facts and circumstances of the case and also considering the fact that no amount has been disbursed so far and there is no loss caused to the panchayat, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, these Criminal Original Petitions are ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate on condition that

(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram District.



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(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-

14/06/2024

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/07/2024

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

OGY
TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
RAMANATHAPURAM.

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

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ORDER
IN

CRL OP(MD).Nos.6383 and 6603 of 2024

Date :14/06/2024

RS/GS/SAR-(02.07.2024) 6P 5C

Madurai Bench of Madras High Court is issuing
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