



CRL OP(MD). No.19653 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.19653 of 2024

Ananth

... Petitioner/ Accused Rank not known

Vs

The State Tamilnadu Rep. By,
The Inspector of Police,
District Crime Branch,
Sivagangai District,
(Crime No.18 of 2023).

... Respondent/Complainant

For Petitioner : Mr.S. Santhosh Kumar,

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.19653 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 403, 420 IPC @ 403, 409, 468, 471, 420, 120(B) IPC in Crime No.18 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that initially a case was registered on 4.11.2024 in Crime No. 588 of 2023 for offence under Section 403, 420 IPC against A1. This FIR was registered by Sivagangai Town Police Station, thereafter, the case was transferred to the file of Respondent Police and it was registered as Crime No. 18 of 2023 on 16.11.2023. The FIR was altered under Sections 403, 409, 468, 471, 420 and 120(B) IPC. The husband, the relative and the elder sister of A1 were all added as accused in this case.

3.In the course of investigation, it was ascertained that A1 was working as Senior Revenue Inspector in the Adi Dravidar Welfare Department in Sivagangai District. A1 prepared money bills and had submitted to the Sub-Treasury Office and after release of funds. A1 was supposed to transfer to the bank account of the beneficiaries, who are all students belonging to Adi Dravidar community. Instead, A1 had misappropriated by diverting the same into the account of A2 and A3. In total, a total sum of Rs 2,35,37,468/- is said to have been misappropriated by A1



CRL OP(MD). No.19653 of 2024

with the help of A2 to A4.

WEB COPY

4.Insofar as the petitioner is concerned, he has been added as A5 since he was one of the immediate supervisor of A1 during the relevant point of time. The main charge against the petitioner is that he had abetted the crime and did not properly supervise A1 and allowed A1 to misappropriate huge sum of money.

5.It was also brought to the notice of this Court that the FIR was again altered and the offence under Sections 3(1)(q), 3(2)(vii) of SC/ST(POA) Act was also added on 04.12.2023 and the case is now under the investigation by the Deputy Superintendent of Police, Sivagangai. There are totally 7 accused persons in this case and the petitioner has been arrayed as A5.

6.The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged offence. He further submitted that the petitioner was in-charge for the period from 04.06.2017 to 16.10.2019. The charge against the petitioner is that petitioner allowed dongle access to A1 and enabled A1 to misappropriate the amount. However, on the information received under the RTI Act, it can be seen that such dongle access was available only from the year 2020 onwards.

7.Per contra, the learned Additional Public Prosecutor submitted that huge amount of money that were meant for Adi Dravidar students has been



CRL OP(MD). No.19653 of 2024

WEB COPY

misappropriated by the accused persons. The learned Additional Public Prosecutor further submitted that the petitioner was one of the immediate superior officer of A1, apart from A6 and A7. If the petitioner had properly supervised and kept A1 under control, this incident would have not taken place. Therefore, there is certainly a penal liability as against the petitioner. The learned Additional Public Prosecutor submitted that initially, investigation officer has also issued summons to the petitioner and the petitioner attended the enquiry and had given statement. However, considering the amount that is involved in this case and considering the fact that crime has been abetted by the petitioner, it was contended that it is not a fit case for anticipatory bail and he vehemently opposed for grant of anticipatory bail.

8.This Court considered the submissions on either side and perused the materials available on record.

9.The specific allegation against the petitioner A5 is that he was the immediate superior Officer of A1 and that he did not properly supervise A1 and enabled A1 to commit misappropriation in this case. It is also seen that the earlier investigation officer had called the petitioner for inquiry and issued summons and the petitioner has attended the enquiry and had also given the statement.

10.After the alteration of FIR, the offence under SC/ST Act is included in the FIR. Therefore, strictly speaking, the petitioner will not be entitled to move an



CRL OP(MD). No.19653 of 2024

WEB COPY

anticipatory bail, in view of the bar 18 of SC/ST Act. However, this Court finds that the offence under SC/ST Act may not be sustainable as against the petitioner and hence, in such circumstances, this Court can consider granting anticipatory bail to the petitioner. Useful reference can be made to *Shajan Skaria vs State of Kerala* (2024 SCC Online SC 2249).

11.Considering the facts and circumstances of the case and considering the allegations that have been made against the petitioner and the fact that the petitioner was even called for enquiry earlier and custodial integration may not be required at this stage, this Court is inclined to grant anticipatory bail to the petitioner.

12.Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate No.II, Sivagangai, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said



CRL OP(MD). No.19653 of 2024

WEB COPY

Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned 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]; and;



CRL OP(MD). No.19653 of 2024

WEB COPY

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
28/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

To

1.The Judicial Magistrate No.II,
Sivagangai.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

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

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

+2 CC to M/s.S.SANTHOSH KUMAR, Advocate (SR-14655[I] dated 28/11/2024)

ORDER
IN
CRL OP(MD) No.19653 of 2024
Date :28/11/2024



CRL OP(MD). No.19653 of 2024

ED/ GSV /SAR- (11/12/2024) 8P / 7C

WEB COPY

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