



CRL OP(MD) No.22414 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Nineteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22414 of 2023

BALAKUMARESAN

... PETITIONER/ACCUSED NO.1

Vs

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

... RESPONDENT/COMPLAINANT

1 M.ANANTHI

2 N.KALIAMMAL

3 S.RAJALAKSHMI

4 JEBAMALAI LOURDU PRINCY

5 VALARMATHI

... PETITIONERS/DEFACTO COMPLAINANT
IN CRL MP(MD).243/2024 IN CRL OP(MD).22414/2023

For Petitioner : MR.A.JOSEPH JERRY, Advocate
for M/S.D.VIJAYARAGHAVAN, Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor
For Intervener : MR.A.D.GANESHAMOORTHY, Advocate



CRL OP(MD) No.22414 of 2023

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

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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.

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



CRL OP(MD) No.22414 of 2023

neither wilful nor wanton. Hence, he prays for grant anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor strongly opposed to grant anticipatory bail to the petitioner stating that 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. He would further submit that the earlier application filed by the petitioner was dismissed as withdrawn and there is no change of circumstance in this case.

5.The learned counsel for the intervenors would submit that earlier, the petitioner entered into an agreement in the mediation stating that he is ready to pay the amount to the victims and thereafter, refused to pay and he filed the second application before this Court and there is no change in circumstance of the case. Hence, they strongly opposed to grant anticipatory bail to the petitioners.

6.On perusal of the records, it reveals that the petitioner has created the Trust in the name and style of Aadhava Trust and colluding with the school educational authorities, he created records, as if, they are providing teachers post to the



CRL OP(MD) No.22414 of 2023

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Government school. In fact, the teacher recruitment is available only to the Teacher Recruitment Board and the same was not entrusted with any other individual. It appears that the petitioner had collected several lakhs of rupees from the innocent 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.

7.Considering the facts and circumstances of the case and also considering the fact that there is no change in circumstances of the case since the dismissal of the earlier application, this Court is not inclined to grant anticipatory bail to the petitioner.

8.In the result, this Criminal Original Petition is dismissed. However, the District Educational Officer and the Chief Educational Officer permitted the petitioner to provide infrastructure and Teacher facilities to the Government school. However, without help of some erred officials in the Education Department, it may not be happened. Hence, this Court is inclined to issue a direction to the Director of School Education, DPI Complex, College Road, Chennai, to conduct enquiry after giving an opportunity to the person, who involved and permitted the petitioner Trust to engage Teachers in the Government School and take appropriate action. Such an



CRL OP(MD) No.22414 of 2023

exercise shall be completed within a period of 12 weeks from the date of receipt of a
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copy of this order.

sd/-
19/01/2024

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/02/2024

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

SJI

TO

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

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

COPY TO

THE DIRECTOR OF SCHOOL EDUCATION,
DPI COMPLEX, COLLEGE ROAD, CHENNAI.

+1 CC to M/s.D.VIJAYA RAGHAVAN, Advocate (SR-830[I] dated 19/01/2024)

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-829[I] dated 19/01/2024)

ORDER

IN

CRL OP(MD) No.22414 of 2023

Date :19/01/2024

RS/GS/SAR-(01.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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