



CRL OP(MD) No.23309 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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SELVARAJ ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
CB CID, SOUTH POLICE STATION,
RAMNAD DISTRICT.
(CRIME NO.1/2020)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KANNAN.R.R Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Government Pleader

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

Prayer:

FOR ANTICIPATORY BAIL IN CRIME NO. 1 OF 2020 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for

the alleged offence under Sections 420, 406, 408, 465, 468, 471, 477A and 120(B) IPC @

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420, 408, 465, 468, 471, 477(A), 403, 409, 417, 109 IPC and Section 5 of the Officials Secrets Act, 1923, in Crime No.1 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the Employees Provident Fund amount to the tune of Rs.74,24,568/- (Rupees Seventy Four Lakhs Twenty Four Thousand Five Hundred and Sixty Eight only) was misappropriated by the accused persons/Temple employees. Hence this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner was working as Joint Commissioner/Executive Officer of Arulmigu Ramanathaswamy Temple, Ramanathapuram District from the month of October 2012 till 5th June 2017. The payment of EPF Contribution was done into the credit of EPF account till the year 2015 and from the year 2016, the payment of EPF Contribution was remitted in the EPF Account towards online mode and the remittance was entrusted to the accused 1 and 2, who were working as Computer Operator and Accountant respectively and they have misappropriated the EPF amount and the petitioner is nothing to do with the alleged misappropriation committed by the accused 1 and 2. He would further submit that the petitioner has not received single money and is not the beneficiary of the amount misappropriated by the accused 1 and 2. However, on

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instructions, he would submit that the petitioner is ready to deposit a sum of Rs.11,96,500/- before the defacto complainant/the Executive Officer of Arulmigu Ramanathaswamy Thirukovil, Rameshwaram, Ramanathapuram District, without prejudice to his rights and contentions. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the entire misappropriated amount was transferred between the accused 1 and 2 and no amount was transferred to the account of the petitioner. However, some of the cheques were signed by the petitioner and were presented by the accused 1 and 2 before Karur Vysya Bank.

5. It appears that the Employees Provident Fund amount belonging to the Temple employees was misappropriated by the accused persons. However, as contended by the learned Government Advocate, the misappropriated amount was transferred between the accused 1 and 2 and no amount was transferred to the account of the petitioner, however, it is alleged that some cheques were signed by the petitioner. Considering the facts and circumstances of the case and the fact that the petitioner is ready to deposit a sum of Rs.11,96,500/- before the defacto complainant/Temple Administration without prejudice to his rights and contentions,

I am inclined to grant anticipatory bail to the petitioner.

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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 Judicial Magistrate No.II, Ramanathapuram, 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) 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;

(b) 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;

(c) the petitioner shall make a payment of Rs.11,96,500/- (Rupees Eleven Lakhs Ninety Six Thousand Five Hundred only) before the defacto complainant without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished

by the petitioner;

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(d)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required 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 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;

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

sd/-
05/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023. SSB

SSB



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.II
RAMANATHAPURAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
CB CID, SOUTH POLICE STATION,
RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.RR.KANNAN, Advocate (SR-325[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.23309 of 2023
Date :05/01/2024

PKP/DD/SAR /23.01.2024/ 6P/ 7C

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