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Crl.O.P.No.5270 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.5270 of 2025

K. Arumugam
S/o. Kesavan

....Petitioner/Accused-1

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Salem, Salem District.
Crime No.2 of 2025

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest **in Crime No.2 of 2025**, on the file of the
respondent police.

For Petitioner : Mr. M.S. Palaniswamy

For Respondent : Mr. S. Santhosh
Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 408 and 420 IPC, in Crime No.2 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the Secretary of the Salem District Sarvodaya Sangh, Attur, and that between the period 2018-2021 the petitioner had misappropriated the subsidies given to the Sangh by the Khadi and Village Industries Commission (KVIC) to the tune of Rs.3,67,00,000/-, which came to light during a special audit and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit the petitioner had lodged a complaint against the present treasurer namely one Amudha, which was registered in Crime No.545/2021 and the said complaint is still pending; that the petitioner also filed a Writ Petition in W.P. No.8317/2022 against the *de facto* complainant and others and a contempt petition was also filed in Cont.P. No.2664/2022 ; that based on

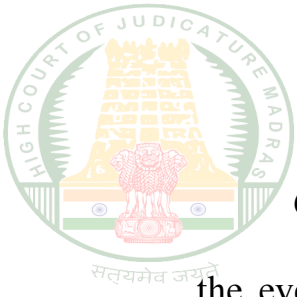


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the audit report, a showcause notice was issued to the petitioner and the petitioner had given a detailed reply on 30.11.2022 and that in any case custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent police, *per contra*, submitted that the *de facto* complainant had not cooperated to the investigation so far and also produced a copy of the letter written by the respondent calling upon the *de facto* complainant to furnish details of the alleged mis appropriation committed by the petitioner.

5. Considering the aforesaid facts, the fact that the alleged misappropriation had taken place between 2018-2021; that the respondent is unable to specify the exact nature of misappropriation and in any case since the allegations are borne out by records, this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner 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 on which the order copy made ready, before **the learned Judicial Magistrate VI, Salem District**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent Police, everyday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

07.04.2025

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To

1. The Judicial Magistrate VI, Salem District
2. The Inspector of Police,
District Crime Branch,
Salem, Salem District.
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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