**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**( Criminal Jurisdiction )**

**Date : 10.11.2025**

**PRESENT**

**The HONOURABLE MRS.JUSTICE S.SRIMATHY**

**CRL OP(MD)No.3371 of 2025**

Kasi ... Petitioner/6th Accused

Vs.

1.The State Represented by,
The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai.

2.The Inspector of Police,
District Crime Branch Police Station,
Sivagangai, Sivagangai District.
(Crime No.18 of 2023)

3.Uma Maheswari,
Special Tahsildar,
Adi Dravidar Welfare Department,
Sivagangai, Sivagangai District. ... Respondents

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.S.S.Manoj
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.18 of 2023 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 offences punishable under Sections 403, 420, 409, 468, 471, 120(b) of IPC and Sections 3(1)(q), 3(2)(vii) of Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Act, 1989, in Crime No.18 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Adi Dravidar Welfare committee meeting was held on 30.09.2023 wherein one member made complaint with regard to misappropriation of funds, allotted to Adi Dravidar Welfare Hostels. Hence the District Collector formed a committee to conduct enquiry. At the initial enquiry it came to light that the 1st accused namely Seethapriya was working as a Senior Revenue Inspector in the Adi Dravidar Welfare Department, Sivagangai. In course of her work as Senior Revenue Inspector from 04.03.2016 to 31.07.2023 the said accused by manipulation of software, created bogus accounts and as such diverted the funds sanctioned as miscellaneous grant to the tune of Rs.9,00,000/-. Later the said Accused on admitting the offence, paid a sum of Rs.5,00,000/- on 20.10.2023. Further, on the intimation of the defacto complainant the complaint was lodged by the Special Tahsildar, Adi Dravidar Welfare Department, Sivagangai and as such an FIR was registered in crime No.588 of 2023 dated 04.11.2023. Thereafter

the investigation was transferred to the respondent police and that the present FIR was registered. Then during the course of investigation the involvement of Seetha Priya / 1st accused's husband and sister were found to the tune of Rs. 2,35,37,468/-, wherein the Seetha Priya and her husband were taken into custody by respondent and their movables and immovables were recovered. During the investigation, the defacto complainant was also arrayed as 7th accused, then the other Special Tahsildars who worked in the during the relevant period of time were also arrayed as accused 5 and 6. Hence, the apprehension of arrest. Hence, a case has been registered as against the petitioner.

3. The case of the petitioner is that he was arrayed as accused since the petitioner had served as one of the Special Tahsildars during the period of alleged offence. The alleged offence said to have taken place between 2017 to 2023, the petitioner served as Special Tahsildar in Adi Dravidar Welfare Department from 17.10.2019 to 23.08.2021. During his service in the above post the petitioner did not receive any complaint either from the hostel students or employees regarding misappropriation. Later the petitioner was transferred and promoted and he is working as Deputy Collector, River Linking Project, Tirunelveli. The petitioner had appeared before the enquiry committee on 07.11.2023 and submitted his explanation. Also appearing before the 1st respondent and submitted his explanation. In the enquiry the 1st accused Seetha

Priya and her husband had made a statement owning full responsibilities on her without blaming others and as such paid a sum of Rs.5,00,000/-. Then during the course of investigation the involvement of Seetha Priya / 1st accused's husband and sister were found to the tune of Rs.2,35,37,468/-, wherein the Seetha Priya and her husband were taken into custody by respondent and their movables and immovables were recovered. During custody the said Seetha Priya had made confession statement without any basis against the Special Tahsildars under whom she had worked including the petitioner and the petitioner was implicated based on the confession of the said Seetha Priya. The learned Counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence. He seeks this Court to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent submitted that the offences committed by the petitioner are serious in nature. Further submitted that the petitioner had committed offences under SC/ST Act, hence Anticipatory Bail cannot be granted. And also submitted that the present application is third application. The respondent had also filed detailed counter.

5. It is seen that the petitioner had filed that the 1st Anticipatory Bail application filed in Crl.O.P.(MD)No.21408 of 2024 was dismissed since

Anticipatory Bail application was not maintainable.

6. Further, it is seen that the said 1st accused Seetha Priya and her husband were released on statutory bail in Crl.A.(MD)No.198 and 199 of 2024. One of the co-accused Anand who was arrayed as A5 was grand anticipatory bail. In the above circumstances the present anticipatory bail is considered.

7. The allegation against the petitioner is that he had not found the said crime when she was in duty. Being the higher official to the said Seetha Priya / 1st accused, the petitioner is bound to found out the crime. On the face of the allegation, it is seen that the said allegation may amount to dereliction of duty. Further it is seen that no complain was received by the petitioner while he was in duty in the said post. In such circumstances, the petitioner cannot be stated that she had committed the alleged crime.

8. Further it has become a routine to include the person as accused, who had served during the period of crime. Such act would lead to as situation the genuine and integrity authority would refraining from reporting about the crime and they would be forced to make the loss from their pocket, which makes the real culprit to escape from the clutches of law.

9. The petitioner is facing allegation under Sections 3(1)(q), 3(2)(vii) of

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The said sections are extracted hereunder:

> *"**Section 3(1)(q)** gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;*
> ***Section 3(2)(vii)** being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence."*

The above sections would not be attracted since the petitioner has taken steps to curb the injury committed by someone else.

10. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, 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 Additional District and Sessions Court for the Exclusive Trial of PCR Act Cases, Sivagangai, within a period of fifteen days from the date of receipt of a copy of this order and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]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.

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

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

[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 is 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 absconds, a fresh FIR can be registered under Section 269 of BNS.

**10.11.2025**

TMG

TO

1. The Additional District and Sessions Court
for the Exclusive Trial of PCR Act Cases,
Sivagangai.

2.The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai.

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

5.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

**S.SRIMATHY,J**

TMG

ORDER
IN
CRL OP(MD) No.3371 of 2025

Date : 10.11.2025