

CrI.OP(MD)Nos.5217, 5684, 5831, 7693, 7709 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.05.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrI.OP(MD)Nos.5217, 5684, 5831, 7693, 7709 of 2024
and
CrI.MP(MD)No.5171 of 2024

T.Petchi Santhi	: Petitioner in CrI.OP(MD).5217/2024
V.Mariappan	: Petitioner in CrI.OP(MD).5684/2024
G.Sailasri	: Petitioner in CrI.OP(MD).5831/2024
B.Ambigai Balan	: Petitioner in CrI.OP(MD).7693/2024
Prasath	: Petitioner in CrI.OP(MD).7709/2024

Vs.

State through the Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
Cr.No.29 of 2023

: Respondent in all OPs

PRAYER in CrI.OP(MD).5217/2024: Petition filed under Section 439 CrPC seeking bail in connection with the case in Crime No.29 of 2023 on the file of the respondent police.



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COMMON PRAYER in Crl.OP(MD).5684, 5831, 7693, 7709/2024: Petitions

filed under Section 438 CrPC seeking anticipatory bail in connection with the case in Crime No.29 of 2023 on the file of the respondent police.

For Petitioners : Mr.P.Andiraj
for Mr.D.Vijayaraghavan
in Crl.OP(MD)5217/2024

Mr.N.Sankar Ganesh
in Crl.OP(MD)5684/2024

Mr.R.Murugan
in Crl.OP(MD)5831/2024

Mr.A.Balaji
in Crl.OP(MD)7693/2024

Mr.M.Manivelpandian
in Crl.OP(MD)7709/2024

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

For Intervenor : Mr.A.D.Ganesha Moorthy



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COMMON ORDER

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The petitioners before this Court are accused in Crime No.29 of 2023 on the file of the District Crime Branch, Thoothkudi. The petitioner in Crl.OP(MD)No.5217 of 2024 has been arrested and therefore, she moved the application seeking bail. All other petitioners are apprehending arrest and therefore, they moved the applications seeking anticipatory bail.

2.This Court, on various dates, provided interim relief to all the petitioners and therefore, as on date, none of them are inside the prison.

3.The case in Crime No.29 of 2023 has been registered for the offence u/s.406, 420 IPC on the file of the District Crime Branch, Thoothukudi, on 25.07.2023, based on the complaint lodged by one Shanmugalakshmi, that she has not received her salary despite being appointed as a Government School Teacher. Later, the offence u/s.120b IPC was also included in the FIR.



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4.The prosecution case is that the first accused / Balakumaresan established a Trust, namely, 'Aadhava Students Welfare Trust' and registered the same before the Sub Registrar Office, Kayalpattinam, vide Doc.Nos.27/2022 & 47/2022. The Trust entered into MoUs with District and Chief Educational Officers to sponsor educational initiatives. Relying on the communications and official proceedings, the Trust hired educated, unemployed youth by falsely assuring them of well paying Government Teaching jobs.

5.Many educated and unemployed graduates were persuaded to deposit large sums of money with the Trust in exchange for Teacher and other appointments in Government Schools. They were promised a monthly salary, along with maternity benefits, retirement benefits and other perks, after completing their service. The Trust also recruited agents, who received commissions based on the number of people they convinced to deposit money. The Trust gave salary (returns) to those who deposited money for some time and thereafter, cheated them. Hence, the complaint.

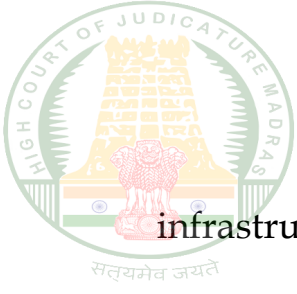


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6. During the course of hearing, it is represented that the Trust entered MoUs in 18 districts and multiple complaint petitions were filed across various districts. All those complaints have been forwarded to District Crime Branch, Thoothukudi, on the point of jurisdiction and the DCB, Thoothukudi, has recorded the statements of such victims from other districts u/s.161 CrPC.

7. This Court has, therefore, called for the CD file and perused the same.

8. The Trust has submitted a representation to the educational authorities seeking permission to provide infrastructural facilities, to appoint special teachers, etc., in Government Schools throughout the State. It was directed to be considered by the Commissioner and Joint Director of School Education. Orders have been passed by the District Level Educational Officers, viz., Chief Educational Officers and District Educational Officers, permitting the Trust to carry out not only



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infrastructural works, but also teacher training, subject to certain conditions.

9.For instance, in the proceedings of the Chief Educational Officer, dated 18.10.2021, it is ordered as under:-

□மேற்படி நிறுவனம் அரசு பள்ளிகள் உட்கட்டமைப்பு வசதிகளை ஏற்படுத்தி தருவதற்கும் நிதியுதவி செய்வதற்கும், கற்பித்தல் பயிற்சியளிக்கவும் கீழ்க்கண்ட நிபந்தனைகளின் அடிப்படையில் அனுமதி வழங்கப்படுகிறது.□

10.In the State of Tamil Nadu, the appointment of Teachers is carried out by the Teachers Recruitment Board, a Government Body. However, by creating a Trust, a fraud has been committed, as if they are providing teaching jobs in government schools. It seems that permission has been granted blindly or collusively to conduct training of teachers, apart from carrying out infrastructure works or welfare works in the schools.

11.Based on this permission, the Trust inducted persons and appointed them to function as Teachers in Government Schools. This

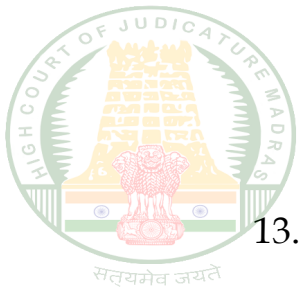


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would not be possible without the collusion of educational authorities.

Therefore, this Court, in Crl.OP(MD)No.22414 of 2023, dated 19.01.2024, while negating the first accused's plea for anticipatory bail, directed the Director of School Education to conduct an enquiry and to take appropriate action as against the erring officials within a period of twelve weeks.

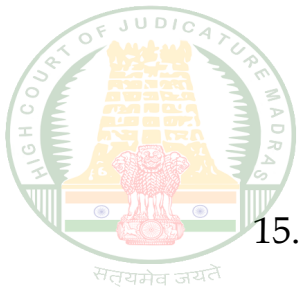
12.Originally the complaint was lodged by one Shanmugalakshmi before the District Crime Branch, Thoothukudi. Thereafter, several complaints came to be filed across various districts. It appears that those complaints were forwarded by the respective Commissioners / Superintendents themselves to the District Crime Branch, Thoothukudi, without any reference or permission from the Head Office. As per Police Standing Order PSO-486(8), it is the Criminal Investigation Department, which has to investigate cases that involve fraud, theft or cheating which affects more than one District. Therefore, when complaints from multiple districts crop out, ideally it should have been referred to the Head Office for CB-CID investigation.



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13. On a query posed by this Court in this regard, learned Additional Public Prosecutor, on instructions, submitted that the Inspector General of Police, South Zone, made a communication to the Director General of Police [HoPF] on 05.06.2024, requesting to transfer the case to CB-CID, Chennai. The Director General of Police has approved the same on 10.11.2024 and the case has now been transferred to the file of the CB-CID, Chennai, for investigation.

14. The case was originally registered on 25.07.2023. From the file, it appears that even on 20.11.2023, the Commissioner of Police, Tirunelveli, has forwarded 25 complaint petitions to the Superintendent of Police, Thoothukudi, on the point of jurisdiction, for taking necessary action. Likewise, several transactions took place. If a case can be transferred between two Districts at the Superintendent / Commissioner level, then there is no purpose for the Head Office at Chennai. Therefore, this Court expects the Director General of Police [HoPF], Chennai, to take necessary action in this regard.



15.The offence was originally reported on 25.07.2023. The CB-CID, Chennai, has taken cognizance only now and therefore, without any further delay, they are expected to proceed with the investigation. The CB-CID shall also book the concerned educational authorities, with whose collusion the fraud has been committed by the accused Trust, for criminal prosecution, apart from the departmental proceeding.

16.The Director of School Education, Chennai, is expected to conclude the departmental proceeding, as directed in Crl.OP(MD)No.22414 of 2023, dated 19.01.2024, as expeditiously as possible, without any further delay.

17.Insofar as the petitioners are concerned, they claim that they are also victims at the hands of the first accused. Learned Additional Public Prosecutor for the State and the learned Counsel for the intervenor claim otherwise. This Court is not inclined to accede both the claims. Truth or otherwise can be culled out only during the enquiry. At the same time, since this Court has already provided interim relief to the petitioners, this Court is not inclined to disturb the same at this juncture. The petitioners are



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directed to co-operate with the CB-CID, Chennai, for the investigation.

Pending the investigation, they shall not alienate any of the properties. In the event, if they fail to co-operate and / or if the investigation agency finds any incriminating materials, the CB-CID shall move an application for cancellation of relief.

Accordingly, all these criminal original petitions stand disposed of. Consequently, connected miscellaneous petition is closed.

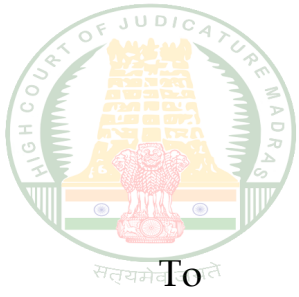
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gk

16.05.2025

Note:

Mark a copy of this order to

1. The Director General of Police [HoPF], Chennai.
2. The Additional Director General of Police, CB-CID, Chennai.
3. The Director of School Education, Chennai.



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To
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- 1.The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.

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



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B.PUGALENDHI, J.

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