



CRL OP(MD). No.4691 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	17.03.2026
Pronounced On	:	01.04.2026

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD) NO.4691 of 2026

Thirumaran

..Petitioner/Accused No.2

Vs

State Of Tamilnadu,

Rep By The Inspector Of Police,
Vigilance and Anti-Corruption,

Sivagangai District.

(Crime No.4 of 2025)

..Respondent(s)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.4 of 2025 on the file of the Respondent Police.

For Petitioner(s):

Mr.R.Balakrishnan

For Respondent(s):

Mr.B.Nambi Selvan

Additional Public Prosecutor



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 167, 465, 467, 468, 471 and 409 of IPC and u/s.13(1)(a) of Prevention of Corruption Act, 1988, in Crime No.4 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, was working as an Assistant Engineer in Kannangudi Panchayat Union, Sivagangai District from 01.06.2020 to 18.05.2022. In the said period, he conspired with other accused persons and misappropriated Panchayat Union funds to the tune of Rs.5,99,465/-. Pursuant to a preliminary enquiry conducted by the Vigilance And Anti-Corruption Department, it was found that the accused had forged the signatures and fabricated the records to create false expenditure entries.

3. According to the prosecution, the said misappropriation was shown as expenditure incurred during the local body elections, including expenses for barricading polling booths, provision of lights and fans,



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supply of food items such as tiffin, tea, snacks, breakfast and lunch, erection of shamiana, vehicle arrangements, generator services, and cleaning works relating to polling booths and ballot boxes. These expenditures were allegedly supported by forged vouchers created and public funds were misappropriated. Consequently, the case has been registered for offences under Sections 120(b), 167, 465, 467, 468, 471 and 409 IPC, and under Section 13(1)(a) of the Prevention of Corruption Act, 1988 (as amended in 2018).

4. The learend Counsel for petitioner submitted that the petitioner has been falsely implicated in the case and that the case has been registered without proper enquiry as contemplated under law. It is further submitted that the alleged occurrence pertains to the year 2020, whereas, the FIR has been registered belatedly without any proof. The learned counsel would further contend that the investigation has substantially progressed, including obtaining handwriting expert's opinion, and that all relevant materials are documentary in nature and already available in the custody of the Vigilance Department. He further submitted that the petitioner is a permanent resident, he has been placed under suspension,



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and there is no likelihood of absconding. The petitioner has expressed his willingness to cooperate with the investigation and to appear before the respondent police as and when required.

5. Per contra, the learned Additional Public Prosecutor opposed the petition, contending that custodial interrogation is necessary, and placed reliance upon a recent judgment of the Hon'ble Supreme Court (reported in 2025 INSC 320) to contend that anticipatory bail should not be granted in corruption cases involving misappropriation of public funds.

6. In reply, the learned counsel for the petitioner submitted that the said judgment is distinguishable on facts, particularly it is a case involving trap proceedings and recovery of tainted money. In the present case, there is no allegation of a trap or recovery from the petitioner, and the case is based entirely on documentary evidence.

7. This Court has considered the rival submissions and perused the materials available on record.

8. The allegations are pertaining to misappropriation of Panchayat



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Union funds under the guise of election-related expenditure. It is evident that the case is primarily based on documentary evidence, which is already in the custody of the Vigilance Department. The investigation has progressed to the extent of obtaining expert opinion regarding alleged forgery. The petitioner, being a government servant presently under suspension, has established roots in society, and there is no material to indicate that he would abscond or tamper with evidence. Further, the nature of the allegations and the stage of investigation do not prima facie necessitate custodial interrogation. It is also relevant to note that, as per the Vigilance Manual, arrest should be resorted to only as a last measure, except in cases involving trap proceedings or other compelling circumstances. No such circumstance is made out in the present case. Apart from that the Hon'ble Supreme Court in the case of ***Pradip N.Sharma vs State of Gujarat and another*** reported in **2025 SCC online SC 457** held as follows:

"18. However, considering the nature of the allegations and the fact that the matter is to be investigated primarily based on documentary evidence, the Court is inclined to grant the relief of anticipatory bail to the appellant. The offences alleged pertain to the exercise of administrative discretion in the passing of an order



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rather than direct physical involvement in any overt criminal act requiring custodial interrogation. The prosecution has not demonstrated any necessity for the custodial interrogation of the appellant beyond scrutiny of official records, which can be done without placing him in detention. Additionally, the appellant has expressed his willingness to cooperate with the investigation, and no material has been placed before this Court to suggest that he has evaded or obstructed the investigation in any manner. Furthermore, it is well settled that anticipatory bail can be granted where custodial interrogation is not essential, particularly in cases where the allegations hinge on official records and the presence of the accused can be secured without pre-trial detention. The Court also takes note of the fact that the FIR in question is part of a series of similar allegations against the appellant, and in the absence of any concrete material indicating a likelihood of tampering with evidence or influencing witnesses, the grant of anticipatory bail is justified."

9. Applying the above said principle in this case on the ground that the allegations hinge on the documents in the custody of the department, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.



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10. Accordingly, this petition is allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, and the petitioner is directed to appear within a period of fifteen days from the date on which the order copy is made ready, before the learned Special Judge, Special Court for Trial Cases under Prevention of Corruption Act, Sivagangai, 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 Special Judge, Special Court for Trial Cases under Prevention of Corruption Act, Sivagangai, 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 furnish his residential address and mobile number to the learned Special Judge, Special Court for Trial Cases under Prevention of Corruption Act, Sivagangai. In the event of any change in his residential



address, the petitioner shall report the same to the learned Special Judge, Special Court for Trial Cases under Prevention of Corruption Act, Sivagangai;

(c) the petitioner shall report before the respondent police every Sunday at 10.30a.m. for the period of 30 days and thereafter as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.



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01.04.2026

To:

1.The learned Special Judge, Special Court for Trial Cases under
Prevention of Corruption Act, Sivagangai

2.The Inspector Of Police,
Vigilance and Anti-Corruption,
Sivagangai District.

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



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K.K.RAMAKRISHNAN.J.,

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Date : 01.04.2026