

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-10-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN**CRL OP No. 30051 of 2026**

CNR:{HCMA012508032026}

Anbil Mahesh Poyyamozhi,
S/o Anbil Poyyamozhi,
S-3, Mystery Sky Apartment, 2nd street, Viswas
Nagar, Palpannai, Tharanallur, Tiruchirappalli.
(Former Member of the Legislative Assembly)



Case QR

.. Petitioner

Vs.

The State Rep. By,
The Assistant Commissioner of Police,
Central Crime Branch-II, EDF-III, Vepery, Chennai.

.. Respondent

Prayer: To enlarge the Petitioner on bail in the event of his arrest in Cr.No.64 of 2026 on the file of the Respondent Police.

For Petitioner : Mr.P.Wilson, Senior Counsel
for Ms.Kalaivani N
For Respondent : Mr.John Sathyan, State Public Prosecutor
Assisted by
Mr.Arun Anbumani,
Additional Public Prosecutor

ORDER

Heard Mr.P.Wilson, learned Senior Counsel for Ms.N.Kalaivani for the petitioner and Mr.John Sathyan, learned State Public Prosecutor, assisted by Mr.Arun Anbumani, Additional Public Prosecutor for the respondent.

2. The petitioner seeks an order of this court to enlarge him on bail in the event of his arrest in Crime No.64 of 2026 on the file of the Central Crime Branch-II (CCB), Chennai.



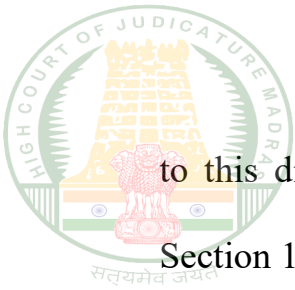
3. The petitioner is a Former Minister in the Government of Tamil Nadu.

Crime No.64 of 2026 came to be registered under the following circumstances:-

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One Mr.D.C.Elangovan alleged that large sums of money had been collected by Arasa Kumar (A1), Muthukumar (A2) and others. The purpose of collecting these huge amount of monies was to secure permanent recognition, upgradation, DTCP /CMDA approval etc, for private schools functioning in this State. When FIR was initially registered, the petitioner herein was not arrayed as an accused. The police had registered the crime invoking Sections 316(5), 318(4) read with 3(5) of BNS, 2023. During the course of investigation, the Investigating Officer claimed to have unearthed materials disclosing the involvement of two other persons, namely, Raju (A3) and Suresh (A4). A1, A3 and A4 have been arrested. A2 is absconding. The investigation further reveals that the petitioner herein had links with the accused in the aforesaid case.

4. Witnesses have been examined, statements were recorded, and digital, official and other Government records were collected and investigated. It is the claim of the prosecution that the petitioner herein had direct interaction with certain witnesses and had collected amounts from the school management on the ground that it is for “*party fund*”. It is further alleged that the petitioner herein had assured that on payment of the “*party fund*”, Government Orders satisfying the demands of the school management would be issued. Consequent



to this discovery, the police filed an alternation report to add Section 7 and Section 12 of the Prevention and Corruption (Amendment) Act of 2018.

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5. Pursuant to the alteration report filed on 09.09.2026, summons were served to the petitioner herein on 16.09.2026. The premises belonging to the petitioner at Tiruchirapalli, his office at T.Nagar and his temporary residence at Greenways Road in Chennai were searched. The investigating officer called upon the petitioner to produce certain records. They were also produced.

6. The police summoned the petitioner for examination. The petitioner states that the police also examined him for over eight hours and had recorded his answers in a questionnaire. As the petitioner fears he might be arrested, he has come forward with this application for anticipatory bail.

7. Mr.P.Wilson, appearing for the petitioner, stated as follows:-

(i) The petitioner has consistently co-operated with the investigation and had appeared before the police on 18.09.2026. He had been interrogated for over eight hours.

(ii) Three premises have been searched on 16.09.2026 and several documents have been seized.

(iii) In compliance with the summons regarding production of records that have been sought, not only the petitioner, but his mother-in-law



also has produced whatever records are available with them. They have also assured that any further records that is necessary will also be produced in order to assist the investigation.

(iv) The petitioner is not a flight risk. He has deep roots in the society. He will always be available for enquiry and that he will not tamper with the evidence.

(v) Finally, in cases like these, which are borne out on records, no custodial interrogation is essential.

8. Rejecting these arguments, Mr.John Sathyan, learned State Public Prosecutor instructed by Mr.Arun Anbumani, Additional Public Prosecutor stated as follows:

(i) The investigation has so far identified as many as 177 victims from whom amounts have ben received with the assurance that appropriate Government permission will be obtained.

(ii) The petitioner was closely associated with A1 and A2. The investigation has so far revealed that monies had been directly handed over to the petitioner herein.

(iii) Though the FIR speaks about a couple of crores, the investigation so far has revealed that a stupendous sum of Rs.400 crores had been collected.



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(iv) The police are taking serious efforts for finding out the money

trail.

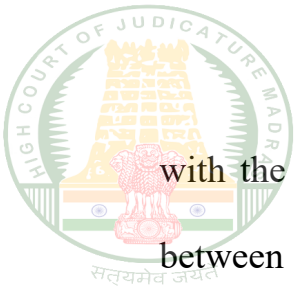
(v) The investigation is nascent and developing. Only with the help of custodial interrogation, the deep and pervasive conspiracy can be ferreted out and the case be unravelled.

(vi) Investigation has revealed that A2, the absconding accused is being shielded from the Law Enforcing Agency by the petitioner herein. Hence, it is the petitioner who is hampering the investigation. It is the intention of the police to confront the petitioner with A2.

(vii) During the meetings of the Tamil Nadu Private Schools Association held at Kalaivanar Arangam, the petitioner had made a statement that whatever be the grievance of the members, if it is channelised through A1 and A2, it will be duly addressed by the Government.

(viii) Finally, the gravity of the offence is of such a nature that the petitioner should not be granted anticipatory bail and that custodial interrogation of the petitioner is essential.

9. In response, it is the plea of Mr.P.Wilson that as a Minister, the petitioner has attended several meetings. The statements made by the Minister during the course of such meetings cannot be used for the purpose of fixing responsibility on him. He pointed out that no official of the State of Tamil Nadu has been arrayed as an accused. Furthermore, the petitioner has nothing to do



with the second accused, even though he was his classmate. The relationship between the petitioner, A1 and A2 was only on account of the registered body by name “Parent-Teacher Association”. It is his further grievance that the case continues to be investigated by the CCB and has not been transferred to the specialised force, namely, the Directorate of Vigilance and Anti-Corruption (DVAC). He states that the petitioner is willing to comply with any condition and therefore, seeks anticipatory bail.

10. I have carefully considered the submissions made on either side. I have gone through the records.

11. The facts have been extracted above. Hence, I am not reiterating the same in this portion of the judgment.

12. I will take the last submission of Mr.P.Wilson first.

13. According to him, the investigation ought to be done only by the DVAC, as it is the specialised force in matters of corruption. I am not in a position to agree with the said submission, for a simple reason that there is a division of work in the police force among its several departments. It is not as if the DVAC alone possesses the exclusive jurisdiction to investigate matters relating to corruption. The facts reveal that initially, the complaint arose with



respect to Tamil Nadu Private Schools Association. During the course of investigation, the involvement of other accused has come out. For the sake that a Minister is involved, it is not necessary that the CCB should transfer all the files relating to the alleged crime to the DVAC. As to who should investigate is a matter which is exclusively within the jurisdiction of police. Unless and until there is an inherent lack of jurisdiction, this court will not interfere as to who takes up the matter for investigation.

14. As rightly contended by Mr.P.Wilson, the participation of a politician, especially, a sitting Minister, in a function cannot be looked with jaundiced eyes. However, it has to be taken note that it was not a case of mere participation. The Investigating Agency alleges that certain statements were made by the petitioner herein, projecting that the demands of the school managements have to be routed through A1 and A2, for them to be approved.

15. The investigation has further shown that as many as 177 school managements have been victims of the game played by accused. The counter in paragraph 9 reveals that steps were taken for permanent recognition on the directions of the petitioner herein. The reason for the State of Tamil Nadu not going for permanent recognition for schools is on account of the tragedy which took place in this State 30 years ago. Nearly 100 children lost their lives due to the infamous fire accident at 'Kumbakonam'. It is hence, that the Tamil Nadu



Government had decided to take a policy, which is not to go for permanent recognition.

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16. Primarily for this case, statements that have been recorded by the Magistrate under Section 183(5) of BNSS reveal that the funds have been collected under the head "*party fund*". The file shows that on 13.01.2026, a witness had met the petitioner and made a demand as to why the assured Government Order had not been released, despite the payment of "*party fund*". Furthermore, the principal actor in this tale, namely, A2 has been absconding. The statements of his relatives show that the petitioner has kept A2 under his care and custody. This, in the view of the court, amounts to not only hampering the investigation but also shielding a co-accused.

17. The petitioner is not an ordinary person but holds a very high position in the political party to which he belongs. The political party, too, had been ruling this State on more than one occasion. The petitioner is highly influential. He was not only a Member of the Legislative Assembly but enjoyed the confidence of his party leader to be appointed as a Minister in the cabinet.

18. I should confess I was in the horns of dilemma. Recollecting the principle in criminal jurisprudence, "*Jail is the rule and bail is the exception*"; stretching this slightly, should this court hold that "*anticipatory bail is the rule*

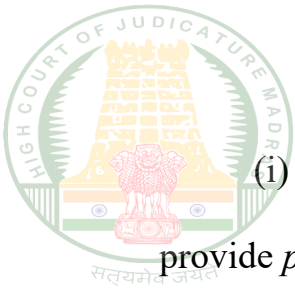


and jail is the exception”? This is more so, when the playground of the petitioner is the State of Tamil Nadu and when he has deep roots in the society.

It is not as if the petitioner kept away from the police authorities. In fact, the learned Public Prosecutor concedes that the petitioner had appeared and 240 questions had been answered by him. At this juncture, would granting anticipatory bail in a matter relating to Prevention of Corruption Act be in the fitness of things or would it be a case of mechanical application of the aforesaid principle? Given these facts in favor of the petitioner, are they sufficient for grant of anticipatory bail? Hence, I decided to refer to the case laws as a guidance.

19. The earliest case that I was able to place my hands on is the judgment of the Punjab and Haryana High Court in ***Gurbaksh Singh Sibbia v. State of Punjab, 1978 CRLJ 20***. Gurbaksh Singh Sibbia has served as a Minister for Irrigation and Power in Punjab. After the Government which he represented lost power, allegations of corruption and embezzlement were levelled against him.

20. Anticipating arrest, Mr.Sibbia moved the Punjab and Haryana High Court invoking the newly minted Section 438 of Cr.P.C. Considering the importance of questions raised, the learned Single Judge referred the matter for a decision by a Special Bench of that Court. The Special Bench took the following views:-



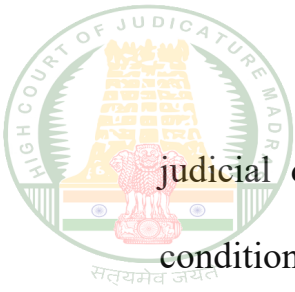
(i) The burden of proof was on the accused to make out a special case and provide *prima facie* materials that the prosecution was malafide;

(ii) Primacy should be granted to the power of police for custodial interrogation. Public interest and the right of the police to conduct such interrogation outweigh the interest of the individual regarding arrest, especially in corruption cases.

(iii) It rejected the plea that high social standing and deep roots in the community as grounds for grant of anticipatory bail. The fact that the politicians are not flight risk is not a ground for grant of anticipatory bail. On the contra, holding a high office, in itself, is a ground for rejection of anticipatory bail, when corruption is alleged.

(iv) Finally, a Court cannot grant blanket orders shielding the petitioner against the offences which have not been registered and specified.

21. Aggrieved by this Order, a bunch of appeals went to the Supreme Court. This was in *Shri Gurbaksh Singh Sibbia And Others v. State Of Punjab, AIR 1980 SCC 1632*. Considering the importance of the question, the matter was heard by the Constitution Bench headed by Y.V.Chandrachud.CJ. Analysing the law on the point, the Supreme Court held that when the Parliament had worded Section 438 of Cr.P.C. in the widest possible terms, the rigid condition laid down by the High Court is inconsistent with the power of



judicial discretion. No court has the power to re-write the law by adding conditionalities which the Parliament itself did not incorporate.

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22. The Bench added that the statutory right of anticipatory bail is linked to Article 21 of the Constitution and that a provision safeguarding personal freedom must be incorporated liberally. An attempt to whittle down the provisions of Section 438 of Cr.P.C undermines the constitutional guarantee of personal liberty and the base line of criminal jurisprudence, namely, the presumption of innocence. It pointed out that the conditions for anticipatory bail and regular bail are distinct and that grant of anticipatory bail should neither be extraordinary nor fall under the category of rare cases. In addition, an individual's status or political position should, by itself, not be weaponised against the said person.

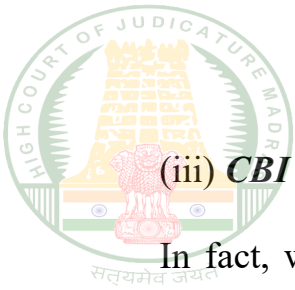
23. The Court declared while granting anticipatory bail, a Court should balance the two competing interests namely, freedom of individuals and the investigative powers of the police. In appropriate cases, the courts can balance both by imposing conditions and this option should be chosen rather than denying pre-arrest protection totally. If this had been the position, Mr.P.Wilson would not have much difficulty. However, there has been a slow and steady shift with respect to the grant of anticipatory bail in cases where corruption is alleged. A few of those judgments will be referred to immediately.



24. The first one being, ***CBI v. Anil Sharma, (1997) 7 SCC 187***. A crime was registered invoking the provisions of Prevention of Corruption Act against one, Anil Sharma. He was accused of having amassed disproportionate assets. Anil Sharma was not an ordinary individual. He was a son of the former Minister for Telecommunications in the Union of India, Mr.Sukhram. He applied for anticipatory bail. It was favourably considered by the High Court of Himachal Pradesh.

25. The Prosecuting Agency filed an appeal before the Supreme Court. A Bench consisting of M.K.Mukherjee and K.T.Thomas JJ., allowed the appeal and set aside the order granting anticipatory bail. The Bench observed that if the anticipatory bail is granted and thereafter the accused appears before the law enforcing agencies, interrogation would become a mere ritual. This is because, a protective shield is thrown around him by the order granting anticipatory bail. Furthermore, higher the office occupied by the accused, more the handicaps that the investigating officers would have to face. The Bench pointed out that custodial interrogation is qualitatively more elicitation oriented than questioning an accused, who is well ensconced with a favourable order under Section 438 of the Code. This view taken by the Bench has been consistently followed by the Supreme Court in the following cases:-

- (i) ***State of Andhra Pradesh Vs. Bimal Krishna Kundu, (1997) 8 SCC 104***,
- (ii) ***P.Chidambaram Vs. Directorate of Enforcement, (2019) 9 SCC 24***,



(iii) ***CBI v. Santhosh Karnani and another, 2023 SCC Online SC 427.***

In fact, while allowing the appeal filed by the CBI, ***Karnani's*** case relied on another Constitution Bench of the Supreme Court in ***Sushila Aggarwal Vs. State (NCT of Delhi) and another, (2020) 5 SCC 1.***

26. Apart from ***Anil Sharma's*** case, I will refer to the judgment in ***P.Chidambaram v. Enforcement Directorate, (2019) 9 SCC 24.*** Mr.Chidambaram was a former Union Home and Finance Minister. It was alleged that payment of millions of rupees had been channelised by one INX Media for obtaining approvals from Foreign Investment Promotion Board. During the said time, Mr.P.Chidambaram was an Union Finance Minister. Anticipating arrest, Mr.P.Chidambaram moved the Delhi High Court and sought anticipatory bail. The High Court dismissed the said application against which an appeal was preferred to the Supreme Court.

27. Dealing with the law relating to anticipatory bail in corruption cases, after citing ***Gurbaksh Singh Sibbia's*** case, Banumathi.J held that economic offences are “*class apart*” as they deeply affect this country’s financial health. The court pointed out that granting anticipatory bail in financial crimes would scuttle and hamper an effective investigation. Therefore, the courts must be exceptionally cautious and slow in such matters before throwing the protective cloak of anticipatory bail around the accused. It further held that the custodial



interrogation is qualitatively different and more effective than a regular questioning of an accused who has been benefitted with an order of anticipatory bail.

28. It further held that granting anticipatory bail while investigation is in its nascent would result in defeating the investigation and that if an accused is granted anticipatory bail, it would enable the accused to suppress the intricate and multi-layered money trails involved in the financial conspiracies. Therefore, it pointed out that the accused, who cannot be arrested as he is protected by an order of anticipatory bail, disables the investigative agency of its statutory power to extract truth from the accused. The fact that the accused was not co-operative and giving evasive answers could be a ground to refuse anticipatory bail.

29. I will also refer to a very recent judgment rendered by J.B.Pardiwala and R.Mahadevan, JJ. in the case of *Devinder Kumar Bansal v. State of Punjab, (2025) 4 SCC 493*. It was a case where the Supreme court was handling a situation very similar to the present one, namely, an allegation that the public servants were using intermediaries to collect bribes. Devinder Kumar Bansal was a public servant, who was employed as an audit inspector with the Government of Punjab. It was alleged that he had demanded bribe to clear the objections that had been raised in an audit report and issue a favourable one



with respect to certain works that had been executed by the defacto complainant's wife, who was then, a mere village Sarpanch.

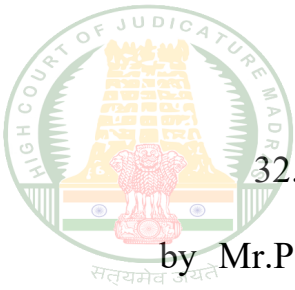
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30. It was alleged that the co-accused, one Prithvi Singh had acted as a middleman for Devinder Kumar Bansal. He was apprehended by the Vigilance Bureau while accepting bribe on behalf of Bansal. The prosecution was also able to lay their hands on an audio recording in which Bansal had enquired whether bribe had been received and he had given instructions to transfer it. Bansal applied for anticipatory bail. The High Court of Punjab and Haryana refused to grant anticipatory bail. Aggrieved by the same, Bansal preferred an appeal to the Supreme Court.

31. Pardiwala.J held that in cases of corruption, anticipatory bail is not a matter of right. He reminded that courts must restrict such reliefs in cases of corruption. He stated that while the courts are not totally barred from granting anticipatory bail, power must be exercised in exceptional circumstances in cases which clearly reveal

- (a) political vendetta,
- (b) false implications or
- (c) manifest frivolity.

None of the exceptions pointed out by Pardiwala.J applies to the facts of the present case.



32. Rejecting the plea, which was more or less on the same lines as stated by Mr.P.Wilson, that appearance before the police authorities entitles the accused for anticipatory bail, Pardiwala.J pointed out that the custodial interrogation is a more potent and qualitatively effective tool. It is essential to unearth the complex corruption chains, trace the money trails and unearth hidden networks of intermediaries.

33. Analysis of the law on the point shows that there has been a tectonic jurisprudential shift in the law relating to anticipatory bail in matters relating to corruption. While the power to grant anticipatory bail is wide and expansive, the scope of discretion to grant it has reduced when applications are filed in matters relating to corruption or socio-economic offences. A careful analysis of the aforesaid judgments shows that such cases are to be treated as a “*class apart*”, as held in P.Chidambaram’s case. While the pro-liberty view taken in ***Gurbaksh Singh Sibbia***’s case is to be applied in general, when an influential person like a politician is involved, the principles laid down in ***Anil Sharma***’s case and reiterated by the Supreme Court over a period of two decades and a half comes into operation. It is because public interest demands unearthing a deep conspiracy when pitted against individual liberty.

34. It is not as if the police had been informed about the involvement of the petitioner at the initial stage itself. It was during the course of investigation



that they stumbled across materials, which revealed to them the alleged involvement of the accused. Such kind of cases will require the police to check multiple accounts and money trails. Therefore, in cases of multi-layered corruption, involving manipulation of records, which has several players involved in a conspiracy, granting anticipatory bail will thwart the course of investigation.

35. When a strong apprehension arises that the petitioner will use the liberty to influence witnesses, hamper investigation or destroy physical evidences, it operates as general exception for the rule set forth above. *Prima facie*, the records reveal that the absconding accused - A2 has been shielded by the petitioner.

36. This court, while dealing with an application for anticipatory bail, would have to keep in mind that corruption is a grave economic offence. It not only affects the public exchequer but is also a crime against humanity and directly affects the human rights. In cases such as these, the court has to keep in mind the position that had been occupied by the petitioner and thereby, his ability to tamper with the State machineries or influence witnesses. I should hasten to add that the consideration for anticipatory bail is fundamentally different from grant of bail in such cases.



37. This court is alive to the fact that even in cases where the accused is alleged to have committed corruption of very high levels or is an accused in money laundering cases, if the accused is facing prolonged pre-trial incarceration without or much progress, it is the constitutional duty of the court to grant bail invoking Article 21 of the Constitution of India. These aspects will arise while a Court considers a plea for bail and not anticipatory bail.

38. The plea of Mr.P.Wilson that all the evidences are documentary in nature and therefore, custody is unnecessary had also been considered by the courts and rejected. Money trails would still require custodial interrogation in order to establish the intent and identify who had been holding the strings and the final destination of the amount alleged to be involved.

39. This court is of the view that if anticipatory bail is granted in this case, it would paralyse the investigation. While protection of individual liberty is a duty of the court, it should be weighed against the society's need for a corruption free governmental administration. The records show that 177 victims have so far come forward to record their statements. The petitioner is a politician, holding a high position. If anticipatory bail is granted before the second accused is apprehended, then it would become a tool for the second accused to avoid the process of the investigation.



40. Furthermore, I should refer to the order passed by this court in the application for anticipatory bail filed by Muthukumar-(A2). Brother Justice G.K.Ilanthiraiyan had specifically held that the allegations are of such a nature that it requires custodial interrogation. I have no reason to take a different view in this case, more so, when the petitioner has held a high position in the State Administration. The gravity of the offence is an essential condition which the court has to consider. Higher the gravity, more the difficulty for a person get anticipatory bail.

41. The fact that the petitioner herein had co-operated with the interrogation so far is no ground to grant anticipatory bail as he faces accusation of having received monies under the name and style '*party fund*'. As to who is the final destination of this alleged "*party fund*" cannot be unearthed unless and until the petitioner is interrogated. As the investigation is still at its nascent stage and as new facts are being unearthed, this court is of the view that grant of anticipatory bail would not be fit and proper.

42 In the light of the above discussions, the petition stands dismissed.

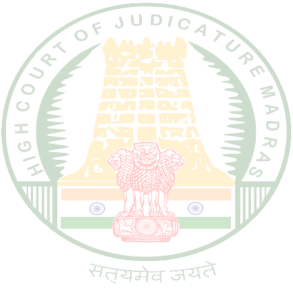
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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CRL OP No. 30051 of 2



Order QR

V.LAKSHMINARAYANAN J.

nl / krk

To

1.The Assistant Commissioner of Police,
Central Crime Branch-II, EDF-III,
Vepery, Chennai.

2.The Public Prosecutor,
High Court of Madras

CRL OP No. 30051 of 2026

26.10.2026