

CRL.O.P.No.4751 of 2015

Orders reserved on : 09.06.2015

Orders pronounced on : 17.06.2015

P.N.PRAKASH, J.

This is second anticipatory bail application and the first anticipatory bail application was dismissed by this Court in Crl.OP.No.31632 of 2014 on 18.12.2014.

2. The case of the prosecution has been set out in the counter filed by the police in the earlier petition, in which, it is stated as follows:

*"On 08.11.2014, one Mrs.Uma, [Complainant herein], Block Development Officer, Walajabad lodged a complaint before the Inspector of Police, Taluk Police Station, Kanchipuram stated that one Dhivya Sarathy [Accused A1], who is the Secretary of Vedal Village Panchayat from 2002 and Mrs.Girija [Accused A2], who is the President of Vedal Village Panchayat and another one Dhatchayani [Accused A3], who is the Vice President of Vedal Village Panchayat. The complainant also stated that as per the guidance of the Government, the funds of the Panchayat will be distributed through cheques and the same will be issued in the name of the President of Panchayat alone and no other person will be authorised to get the cheques in their names. Even though knowing the above fact, A2 and A3 issued cheques in the name of A1 to pay the*

*cheques to Tamil Nadu Electricity Board [TNEB] and Tamil Nadu Water and Drainage Board [TWAD]. Totally 38 cheques were issued by A2 and A3 from 2011 to 2014 in the name of A1 on various occasions, to be drawn in Indian Overseas Bank, Kumarakottam Branch, Kanchipuram District. Subsequently, A1 withdrawn the above-mentioned cheques totally to an amount of Rs.17,62,360/- for payment to TNEB and TWAD but not paid any amount to the above said Boards and A1 to A3 colluded and misappropriated the Panchayat Fund.*

*3.It is submitted that based on the above complaint a case was registered in B3, Kanchi Taluk PS.Cr.No.1239/2014 u/s. 409 IPC r/w.109 IPC by Tr.Kannan, Sub Inspector of Police on 24.11.2014 and the case was taken up for investigation by myself."*

3. The learned counsel for the petitioner submitted that the petitioners are elected representatives and they had earlier given a complaint against Dhivya Sarathy on 18.11.2014 in respect of which, the police had issued CSR.No.936 of 2014. The learned counsel also submitted that the petitioners have paid Rs.2,99,072/- on 11.11.2014, Rs.8lakhs on 17.11.2014 and Rs.2,80,658/- on 18.07.2014.

4. This Court carefully considered the submissions made by the

learned counsel for the petitioner and found that the allegations against the petitioners are very serious, in as much as they being elected representatives have defalcated public funds to a tune of Rs.17,62,360/- by ingenious method. The allegations against the petitioner are very serious and further there is no change in fact situation. Hence, this petition stands dismissed.

17.06.2015

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Order

in

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