



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Eighteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11217 of 2015

S.ARICKIASAMY

... PETITIONER /1st ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

DISTRICT CRIMEBRANCH, SIVAGANGAI DISTRICT.

CR. NO.58/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. VEERA KATHIRAVAN Advocate

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 409, 464, 420, 487 and 120(b) of IPC, in Crime No.58 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

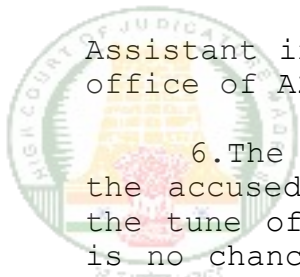
2.According to the de-facto complainant the Assistant Director of Panchayats, Sivagangai District, the accused have siphoned off of Rs.35,00,000/- allotted to Alangulam Village Panchayat.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner was working as Assistant in the office of the de-facto complainant and the allegation against the petitioner is that he sent letters transferring the amount to the Village panchayat and thereafter, the letters were manipulated and the funds allotted were transferred to the personal account of the President and Vice President of the Village Panchayat concerned and therefore, the petitioner is not responsible for the misappropriation committed by A2 and A3.

4.It is further submitted that this court on 29.01.2015 dismissed the earlier petition filed by the petitioner. After the dismissal of the earlier petition in Crl.O.P(MD)No.23612 of 2014, A2 and A3 were granted anticipatory bail by the Sessions Judge, Sivagangai in Cr.M.P.No.554 of 2015 on the condition that they should deposit Rs.10,00,000/- to the credit of the crime number and the petitioner, who is now suspended after registration of the case, suffering from kidney illness. The learned counsel further submitted that the prime accused in this case are A2 and A3 and the petitioner had no role in the commission of the offence.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The respondent has filed a detailed counter affidavit stating that the petitioner is the main accused in this case and he was working as



Assistant in the office of the of the de-facto complainant and not in the office of A2 and A3.

6.The learned Government Advocate (Criminal side) submitted that all the accused have conspired together and misappropriated huge amount to the tune of Rs.35,00,000/- allotted to the concerned panchayat and there is no chance of circumstance to consider this anticipatory bail petition of the petitioner now.

7.However, considering the fact that A2 and A3 were granted anticipatory bail by the Sessions Court on the condition that they should deposit Rs.6,00,000/- and this court while confirming the order in Crl.O.P(MD)No.8624 of 2015 directed them to deposit another Rs.4,00,000/-, I am of the opinion that the petitioner can also be granted anticipatory bail with some conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Sivagangai and on his executing 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 learned Magistrate concerned and on further condition that **the petitioner shall deposit a sum of Rs. 5,00,000/- [Rupees Five lakhs only] to the credit of the Crime No.58 of 2014** and on further condition that the petitioner appear before the respondent police daily at 10.30 a.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

18/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DIST

3 THE INSPECTOR OF POLICE
DISTRICT CRIMEBRANCH, SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr.Veera Kathiravan, Advocate SR.NO.47245

sm:SK-SKN:SAR J:25.8.2015:2P/6C

ORDER

IN

CRL OP(MD) No.11217 of 2015

Date :18/08/2015