



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

Monday, the Twenty Third day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP (MD) No.292 of 2017

ALA.MUTHAIYA

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI DISTRICT,
CRIME NO.2 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.UDHAYAKUMAR Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

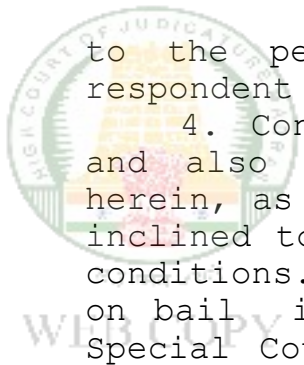
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 409 and 477(A) of IPC., and Section 13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act, 1988, in Crime No.02 of 2016, seeks anticipatory bail.

2. The learned counsel appearing for the petitioner states that the petitioner herein is A2 in this case and he is working as a Panchayat Clerk between 06.02.2012 and 18.07.2014 in Thiruppachetti Village Panchayat. The President of Village Panchayat created a forged document and cheating the Panchayat amount of nearly several lakhs. Hence, the petitioner and his son preferred a complaint before the higher authorities of Village Panchayat and thereafter, the President, due to motive and colluded with the Block Development Officer, issued various charge memo against the petitioner, without passing any order of suspension against the petitioner. He would further submit that no enquiry was conducted till date and the petitioner is not allowed to work at Panchayat office. Hence, the petitioner filed W.P.No.19535 of 2015 and the same is pending.

3. The learned Government Advocate (crl.side) appearing for the respondent states that totally there are two accused in this case and the petitioner is A2. The first accused in this case is a panchayat president. The accused 1 and 2 misappropriated to the tune of Rs.3,69,743/-, by abusing the official capacity as Public Servant. He would further submit that granting of anticipatory bail



to the petitioner, at this stage, does not arise, since the respondent is not taking any steps to arrest the accused.

4. Considering the above facts and circumstances of the case and also the alleged apprehension of arrest of the petitioner herein, as stated by the counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Special Court Trial Cases under the Prevention of Corruption Act, Sivagangai District, 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 Magistrate concerned and on further condition that the petitioner shall report before the respondent daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

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

sd/-
23/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL COURT TRIAL CASES UNDER THE PREVENTION OF
CORRUPTION ACT, SIVAGANGAI DISTRICT.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION, SIVAGANGAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.UDHAYAKUMAR Advocate SR.No.3887

MPK
CSL/SKN-MM/SAR-III/25.01.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.292 of 2017
Date :23/01/2017