

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2218 of 2020

M.INYATHULLA [PETITIONER / ACCUSED]

Vs

STATE, REP. BY [RESPONDENT]
THE INSPECUTOR OF POLICE,
SATHANUR DAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.436 OF 2018.

For Petitioner : M/S.A.SARAVANAN Advocate

For Respondent : M/S.V. SARATHA DEVI, Govt. Advocate (CrI. Side)

For Intervener : M/S.S.UDAYAKUMAR, Advocate

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 under Section 420 of IPC, in Cr.No.436 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Ex-Panchayat President and it is alleged that the petitioner misappropriated the Panchayat funds to the tune of Rs.3,87,707/- .It is further alleged that the petitioner refunded a sum a Rs.3 lakhs and has not refunded the balance amount of Rs.87,707/- Hence the complaint.

3. The learned Counsel for the petitioner submitted that that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the false case has been foisted as against the petitioner and already the petitioner refunded a sum a Rs.3 lakhs in favour of the Government and the remaining balance amount, he is ready to pay without prejudice to his right in his criminal case. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Chengam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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:

(a) the petitioners shall deposit a sum of Rs.87,707/- (Rupees Eighty Seven thousand Seven Hundred and Seven Only) by way of demand draft drawn in favour of the Collector, Thiruvannamalai District within a period of two weeks and the said amount shall be used for the purpose of rural development.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police 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 [(2003) AIR SCW 5560]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
04/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECUTOR OF POLICE,
SATHANUR DAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE COLLECTOR,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges SR.NO.8744

CRL OP.2218/2020

Date :04/02/2020

WEB COPY

TA-10/02/2020