

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4244 of 2020

G.MANIVEL

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
ATTAIYAMPATTI POLICE STATION,
SALEM DISTRICT,
CRIME NO.236 OF 2019.

For Petitioner : M/S.A.V.RAJA Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 and 420 of IPC, in Crime No.236 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A4 has jointly together with other accused persons, created and forged the cheques from the Panchayat Union and present the same for garbing the Panchayat union's money, thereby, the Block Development Officer filed a complaint before the respondent police.

3.The learned counsel for the petitioner would further submit that the petitioner is in no way connected in this case and he was arrested by the respondent police at the time of presentation of the cheque hence there is no money was appropriated. The learned counsel on instructions, would further submit that to show his bonafide, the petitioner is ready to pay a sum of Rs. 1 Lakh for construction of toilet in the Government Primary School, Kudeppam, Vendasandur Taluk, Dindigul District. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioner and would submit that investigation is pending. He would further submit that the petitioner is arrayed as the 4th accused in this case.

5.Considering the fact that the petitioner is ready to pay a sum of Rs.1 Lakh for construction of toilet in the Government Primary School, Kudeppam, Vendasandur Taluk, Dindigul District, and co accused has already released on bail, hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.4, Salem, 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:

(a)the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) directly to the Principal/ Head Master/ Head Mistress of the Government Primary School, Kudeppam, Vendasandur Taluk, Dindigul District by way of demand draft drawn in favour of the Principal/ Head Master/ Head Mistress, within a period of two weeks from the date of receipt of a copy of this order.

(b)On receipt of the said amount, the Principal/ Head Master/ Head Mistress of the Government Primary School, Kudeppam, Vendasandur Taluk, Dindigul District, shall use the same for construction of toilet in the School premises. After completion of the construction of toilet in the School premises, the Principal/ Head Master/ Head Mistress shall submit a visual report to the Chief Educational Officer, Dindigul District. The entire exercise shall be completed within a period of three months from the date of receipt of the amount.

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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 [(2005) AIR SCW 5560]; and;

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

-sd/-
26/02/2020

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,
NO.4, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ATTAIYAMPATTI POLICE STATION, SALEM DISTRICT,

5 THE PRINCIPAL/HEAD MASTER/
HEAD MISTRESS OF THE GOVERNMENT PRIMARY
SCHOOL, KUDEPPAM, VEDASANDUR TALUK,
DINDIGUL DISTRICT.

CC to M/S.A.V.RAJA Advocate on payment of necessary charges
SR.NO.4104

WEB COPY

CRL OP.4244/2020

Date :26/02/2020

RVR 05/03/2020