

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.4312 of 2020

S.MOHAN

[PETITIONER / ACCUSED]

Vs

THE SUPERINTENDENT OF POLICE [RESPONDENT]
VIGILANCE AND ANTI CORRUPTION,
PUDUCHERRY.
CR.NO.2 OF 2020

For Petitioner : M/S.GOVIND CHANDRASEKHAR Advocate

For Respondent : MR.D.BHARATHACHAKARVARTHY ADDITIONAL PUBLIC
PROSECUTOR,PONDICHERRY

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 13(1)(c) of the Prevention of Corruption Act, Section 420/34 of IPC and Section 152 of the Co-operatives Act, 1972 in Cr.No.2 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner /A1 is the Secretary of the Pondicherry Health Employees Co-Operative Society. The other accused persons are its administrators. A1 being the Secretary, under the orders of the Administrators, deposited the society's funds in other banks, thereby, a case was registered against the petitioner.

3.The learned counsel appearing for the petitioner submits that the Administrators took the decision to deposit the society's fund into other banks, and the Secretary/ the petitioner had merely carried out the said order.

However, when the matter is taken up today, the learned counsel appearing for the petitioner submits that the petitioner will re transfer the entire amount to the parent bank of Pondicherry Health Employees Co-Operative Credit Societies, within a period of six weeks from the date on which the order copy is made ready. An undertaking is also given in this regard by the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that investigation is still pending. He would further submit that the first petitioner is not arrayed as accused in the FIR.

5.Considering the facts and circumstances of the case and coupled with the undertaking of the petitioner and the further fact that as of today the petitioner is not arrayed as accused in the FIR, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Puducherry, 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 petitioner is directed to revert the entire invested amount to the parent Bank viz., Pondicherry Health Employees Co-Operative Credit Societies, within a period of six weeks from the date of receipt of copy of this order

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

(g)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.I, PUDUCHERRY

2 `THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 THE SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION, PUDUCHERRY.

+1 CC to M/S.GOVIND CHANDRASEKHAR Advocate on payment of
necessary charges SR.NO. 3876

CRL OP.4312/2020

Date :26/02/2020

RD 09/03/2020

WEB COPY