

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO. 9201 of 2020

Kumaresan
S/o, Arumugam,
No.333, Mariyamman Koil Street,
Azhichikudi Post,
Buvanagiri Taluk,
Cuddalore District,

... Petitioner/A3

Vs.

The State rep. By
The Sub-Inspector of Police,
Maruthur Police Station,
Cuddalore District.

... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No.12 of 2018 on the file of the respondent police.

For Petitioner : Mr.G.Pugazhenth

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The Petitioner who is apprehending to arrest by the respondent police for the offences punishable under Sections 420, 465, 467, 468 and 471 of IPC in Crime No.12 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other two accused persons have misappropriated the fund amount to the tune of Rs.17,13,731/- . The first accused and the second accused were the President and Vice President of Ambalpuram village Panchayath, Keela Bhuvanagiri Panchayath Union, Cuddalore District.

3. The learned counsel for the petitioner would submit that the crime of the year is 2018. Even according to the case of the prosecution, the President and Vice President namely A1 and A2 issued cheques in favour of 21 persons including the petitioner. The respondent did not register the case against all the persons who

received the amount from the first and second accused. The Respondent registered the case only as against the President, Vice President and the petitioner herein. The petitioner is living in different village and even according to the case of the prosecution, the petitioner received four cheques to the tune of R.1,40,528/- He further submitted that he is ready and willing to deposit the sum which was received by him.

4. The learned Additional Public Prosecutor has submitted that there are totally three accused in which the petitioner is arrayed as third accused. Only with the assistance of the petitioner herein, the first and the second accused have looted a sum of Rs.17,13,731/- . Though the offence committed in the year 2014 – 2016, only on audit, it is revealed that the accused persons have looted a sum of Rs.17,13,731/-. So far no one is arrested. It is seen that there are totally three accused in which the petitioner is arrayed as the third accused. Though the petitioner is staying outside Panchayath, he is one of the beneficiary

to the tune of Rs.1,40,528/- . He further submitted that the petitioner joined with A1 and A2 and issued cheques to other persons and received the entire amount.

5. Taking note of the facts and circumstances, and the above submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.4,00,000/- (Rupees Four lakhs only) to the credit of Crime No.12 of 2018 , within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Chidambaram, Cuddalore 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, failing which, the petition for anticipatory bail shall stand dismissed and on further

condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four lakhs only) to the credit of Crime No.12 of 2018, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. Accordingly, the Criminal Original Petition is ordered.

23.06.2020

Internet: Yes/No
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G.K.ILANTHIRAIYAN.,J.

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To

1.The Judicial Magistrate No.I,
Chidambaram,
Cuddalore District.

2. The Sub-Inspector of Police,
Maruthur Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.



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