

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11330 of 2020

Saminathan

... Petitioner/A4

Vs.

State Rep. by
Inspector of Police,
District Crime Branch,
Thiruvavarur District.
Crime No. 03 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.3 of 2020, on the file of the respondent police.

For Petitioner : Mr.Swami Subramaniam

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 465, 467, 468, 471 and 420 of IPC in Crime No.03 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused persons by way of fabricating documents and falsification of accounts had transferred a sum of Rs.7,69,017/- belonging to the Panchayat to their personal account and cheated the Panchayat. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that without his knowledge, an amount of Rs.50,000/- had been transferred to his account. He would further submit that the petitioner, without prejudice to his contention, had re-deposited an amount of Rs.50,000/- to the account of the Panchayat and he has also produced the receipt of the same. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally 5 accused persons in which the petitioner is arrayed as A4. He would also submit that the main accused by using the user name and password of Central Financial Planning Fund, along with other accused had downloaded the form meant for transferring funds, submitted the same at the bank by forging the signature of the President and Vice President and transferred the amounts to their accounts and totally misappropriated the amount to the tune of Rs.7,69,017/-. He further submitted that the entire offence has been committed with the knowledge of the petitioner and later he had re-deposited. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and the submissions made by the counsels and the entire case is borne out by documents and the fact that the petitioner has now repaid the balance amount to the Panchayat account, 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 15 days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thiruvapur, Thiruvapur 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 report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

06/08/2020

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,
THIRUVARUR, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVARUR DISTRICT.

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.11330/2020

सत्यमेव जयते Date : 06/08/2020

RVR 21/09/2020

WEB COPY