

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.Nos.11449 and 12051 of 2020

V.Sobhana

... Petitioner in both Crl.O.Ps.

Vs.

State Represented by,

The Inspector of Police,

Maruthur Police Station,

Maruthur, Bhuvanagiri Taluk,

Cuddalore District.

(Crime Nos.11 & 12 of 2018) ... Respondent in both Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of her arrest in Connection with the Crime Nos.11 & 12 of 2018 pending on the file of the respondent police.

For Petitioner : M/s. T.Madhumitha

For Respondent : Mr. M.Mohamed Riyaz,

Additional Public Prosecutor

COMMON ORDER

(These cases have been heard through video conference)

The petitioner in Crl.O.P.No.11449 of 2020, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.11 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Mrs.Vimala who is the BDO of Bhuvanagiri District is that the petitioner who was elected as the Panchayat Board President in the year 2012-2013 of Ambalpuram village, by manipulation of records have cheated the Government funds to the tune of Rs.7,66,213/- which were intended for the Dhane relief without verifying whether the houses were built under the scheme, and caused loss to the tune of Rs.7 lakhs.

3.The petitioner in CrI.O.P.No.12051 of 2020, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 467, 468 and 471 of IPC in Crime No.12 of 2018, on the file of the respondent police, seeks anticipatory bail.

4.The case of the prosecution as per the defacto complainant one Mohanraj who is the BDO of Buvanagiri District is that the petitioner who was the elected Panchayat Board President in the year 2014-2016 of Ambalpuram village, by manipulation of records have misappropriated cheated the Government funds to the tune of Rs.17,13,731/- which were intended for the IAY Cyclone Fund,

5.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. She would further submit that the petitioner was the elected President of Ambalpuram Panchayat during the period 2011 to 2016. The petitioner belongs to a downtrodden community and is an illiterate and taking advantage of this, the other accused have committed the offence and fixed the blame on the petitioner. She would also submit that all the amount sanctioned by the Government were given to the beneficiaries only through bank transactions. As per the rules, the officers of the Bank have to verify whether the construction has been completed and only after the completion certificate is issued by the BDO, the amount will be paid to the concerned beneficiaries. She would also submit that the BDO who was working during that period has issued certificates and based only on the certificate amounts were deposited to the accounts of the beneficiaries. One Jagadeesan who was working as a writer had engaged the service of the 3rd accused / Kumaresan and they have together cheated the amount by manipulating records and ultimately they have shifted the responsibility on the President who was the elected representative, as if the petitioner had allegedly misappropriated an amount of Rs.24 lakhs in respect of both cases. She would submit that the petitioner is prepared to offer adequate surety and is prepared to abide by any condition and that her family has one property in her husband's name in Survey No.170/43 and 170/50 in Ambalpuram village, Buvanagiri Taluk and that is the only property her family owns and she is residing in that house which she is prepared to offer as security. The entire property measures seven cents and is worth about 14 lakhs and the petitioner without prejudice to her defence is prepared to deposit the original title deeds before the concerned Court in respect of both cases.

6. The learned Additional Public Prosecutor would submit that the petitioner was the elected President during the period 2011 to 2016 and she is collusion with the other accused has misappropriated the Government funds to the tune of Rs.7,66,213/- from the Dhane Relief fund in respect of which a case in Crime No.11 has been registered and she had in collusion

with other accused misappropriated IAY cyle Fund to the tune of Rs.17,13,731/- in respect of which a case in Crime No.12 of 2015 has been registered. He would further submit that the investigation is pending and one of the accused has been arrested. The case has been registered on 20.01.2018.

7.Taking into consideration the facts and submissions of the learned Counsels that the petitioner is prepared to deposit the original title deeds of the property, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner shall deposit the original title deeds of the property in Survey No.170/43 and 170/50 in Ambalpuram village, Buvanagiri Taluk to the credit of Crime Nos.11 and 12 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioner is directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before **the learned Judicial Magistrate No.I, Chidambaram**, 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 on 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, a fresh FIR can be registered under Section 229A IPC.

9. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
16/09/2020

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,
CHIDAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
MARUTHUR POLICE STATION,
MARUTHUR, BHUVANAGIRI TALUK,
CUDDALORE DISTRICT.

+2CC to M/S. S.SENTHILKUMAR Advocate on payment of
necessary charges SR NOS.6331, 6332

CRL.OP.NOS.11449 & 12051 OF 2020

Date :16/09/2020

MK:29/09/2020

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