

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15875 of 2020

V.Sobhana

... Petitioner

Vs.

The State Represented by,  
The Inspector of Police,  
Maruthur Police Station,  
Cuddalore District.  
Crime No.258/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest by the respondent police pending investigation of the case in Crime No.258 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Senthilkumar

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 offences publishable under Sections 420, 465, 467, 468, 471, 477 A & 120B of IPC in Crime No.258 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Block Development Officer is that during the year 2015-2016, the petitioner, who is the president of the Panchayath, along with the other accused misappropriated panchayat funds to the tune of Rs.1,46,150/- under the schemes of Pasumai Veedu with Solar Energy Scheme by fabricating documents. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and a false case has been foisted against her due to political animosity. He would submit that the petitioner belongs to a down trodden community and she was elected to the Panchayat during the year 2015-2016 and taking advantage of her illiteracy and innocence, the staff in the panchayat have fabricated the documents and obtained the signatures and have misappropriated the Government funds. He would submit that the petitioner was called for enquiry and she has also attended the enquiry and that during the enquiry, she came to know that there had been some supervisory lapse on her part. He would submit that similarly, the petitioner was falsely implicated in two other cases and the petitioner was granted anticipatory bail in those cases on stringent conditions. Coming to know that the petitioner was granted anticipatory bail in those cases, the present case has been registered against her. He would submit that in order to show her bonafides, she is prepared to deposit 50% of the alleged misappropriated amount to the credit of Crime No.258 of 2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that during the year 2015-2016, the petitioner, who is the president of the Panchayath, along with the other accused misappropriated to the tune of Rs.1,46,150/- under the schemes of Pasumai Veedu with Solar Energy Scheme by fabricating documents. He further submitted that A2 and A3 are still in custody and he further submitted that there are two previous cases pending as against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel that the petitioner is ready to deposit 50% of the misappropriated amount, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order is made ready, 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 Judicial Magistrate No.1, Chidambaram, 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 every day at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a R.75,000/- to the credit of Crime No.258 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[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].

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

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

-sd/-  
09/10/2020

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.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,  
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

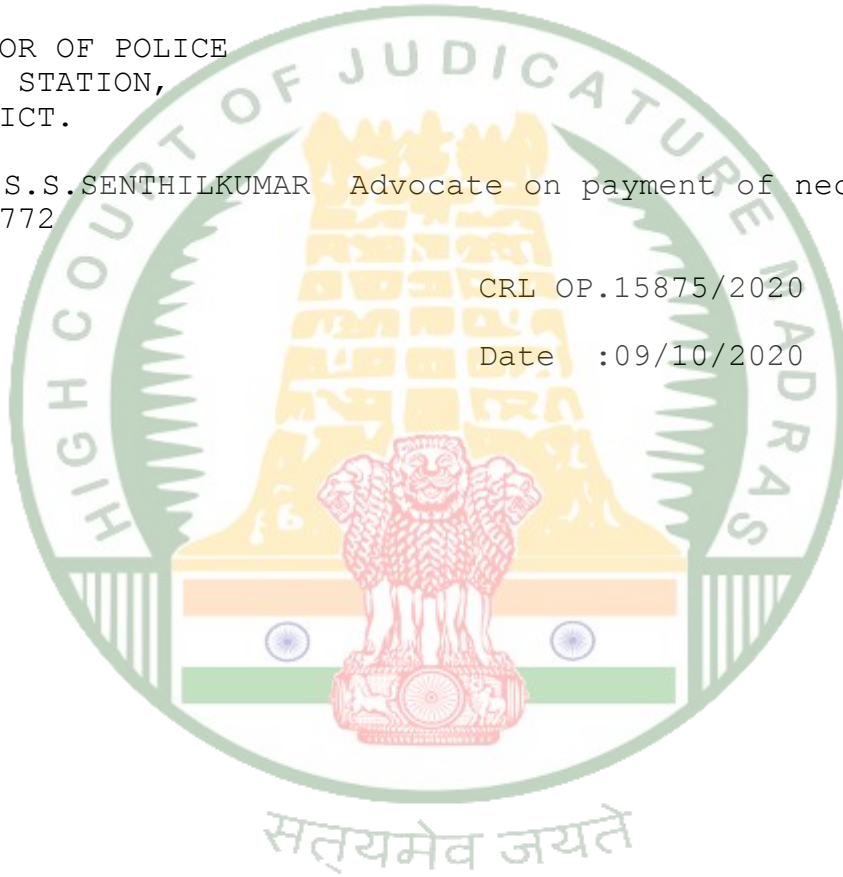
4 THE INSPECTOR OF POLICE  
MARUTHUR POLICE STATION,  
CUDDALORE DISTRICT.

+1CC to M/S.S.SENTHILKUMAR Advocate on payment of necessary  
charges SR NO.6772

CRL OP.15875/2020

Date :09/10/2020

MK:21/10/2020



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