

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19030 of 2020

V.SAMY

...Petitioner

Vs.

State Rep. by Inspector of Police, ...Respondent
C.C.I.W.C.I.D. Vellore,
Vellore District.
(Crime No.1 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.1 of 2020, pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(This 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 **Section 109, 406, 408, 409, 465, 468, 477(A)** of IPC in Crime No.1 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who was a Secretary in the Sainampatti Primary Agricultural Bank, Katpadi, Vellore District, along with other accused has misappropriated an amount of Rs.1,25,000/- by sanctioning agricultural loan in the name of fictitious persons during the period 2006 -2007. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has already been retired from the services. He would further submit that

co-accused in this case was similarly placed has been granted anticipatory bail by this Court in CrI.O.P.No.18753 of 2020, dated 30.11.2020. On instructions, he would further submit that taking into consideration the Covid pandemic situation the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that totally there are three accused, petitioner herein is A2, Secretary in the Sainampatti Primary Agricultural Bank, Katpadi, Vellore District. The petitioner, along with other accused has misappropriated an amount of Rs.1,25,000/- by sanctioning agricultural loan in the name of fictitious persons during the period 2006 -2007.

5.Taking into consideration of the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make **a payment/donation of a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to Don Bosco Anbu Illam, Social Service Society, A/c.No.0042053000006317, IFSC Code: SIBL0000042, South Indian Bank, George Town Branch** and on such payment and production of proof, 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 order copy is made ready, before the learned Judicial Magistrate-II, Vellore, 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 learned Judicial 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 everyday 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.

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

-sd/-
21/12/2020

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-II,
VELLORE,

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C.C.I.W.C.I.D.
VELLORE DISTRICT.

5 THE DON BOSCO ANBU ILLAM,
SOCIAL SERVICE SOCIETY, A/C.NO.
0042053000006317, IFSC CODE: SIBL00000042,
SOUTH INDIAN BANK, GEORGE TOWN BRANCH

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.19030/2020

Date : 21/12/2020

TA-21/01/2021

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