



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 26/11/2020

PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD). No.13421 of 2020

G.Dhanalakshmi

... Petitioner/Accused No.4

Vs

State Rep.by  
The Deputy Superintendent of Police,  
Vigilance and Anti Corruption,  
Dindigul District.  
Crime No.Not Known of 2020

... Respondent/Complainant

For Petitioner : Mr.S.Suresh Kumar Isaac Paul,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. Not known of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the offences punishable under section 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, 1988, in Crime No.Not Known of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons have entered into criminal conspiracy and committed the offence of misappropriation of the funds of the Government allotted to MGNREGS (Mahathma Gandhi National Rural Employment Guarantee Scheme) to the tune of Rs.23,067/- by illegal means by preparing fake documents forging the thumb impression of one Kuppathal and Veluchamy and make false entries in the Nominal muster roll register. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the



4.The learned counsel appearing for the petitioner submitted that the petitioner is working as Union Office Overseer, Oddanchatram Taluk Office, Dindigul and in connection with the above said case, she was suspended from service on 16.11.2020. Subsequently, the respondent Police conducted enquiry and found to be no offence is made out against the petitioner as such, she has been reinstated into service. He further submitted that the petitioner is an innocent persons and he has not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

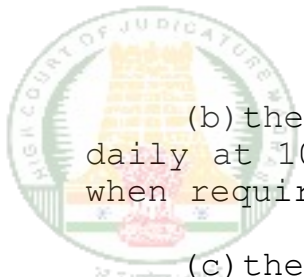
5.The learned Government Advocate (Crl. Side), appearing for the respondent Police submitted that totally there are eight accused in this case, in which, the petitioner has been arrayed as A4. When the petitioner was working as Union Office Overseer, Oddanchatram Taluk Office, Dindigul District, she along with other accused persons have misappropriated to the tune of Rs.23,067/- from the funds of Government allotted to MGNREGS (Mahathma Gandhi National Rural Employment Guarantee Scheme).

6.It is seen that totally there are eight accused in this case, in which, the petitioner has been arrayed as A4. While the petitioner was working as Union Office Overseer, Oddanchatram Taluk Office, Dindigul, she along with other accused persons have misappropriated to the tune of Rs.23,067/- from the funds of Government allotted to MGNREGS (Mahathma Gandhi National Rural Employment Guarantee Scheme). It is also seen that the petitioner was suspended from service on 16.11.2020. Subsequently, the respondent Police conducted enquiry and found to be no offence is made out against the petitioner as such, she has been reinstated into service.

7.Considering the facts and circumstances of the case and also considering the fact that no offence is made out against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Chief Judicial Magistrate Court, Dindigul, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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



(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
26/11/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
2. THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION, DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SURESH KUMAR ISAAC PAUL Advocate SR.No.7725

ORDER IN  
CRL OP(MD) No.13421 of 2020  
Date : 26/11/2020

MS/VR/SAR-3/17.12.2020/3P.5C

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