

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3490 of 2021

1. C.Senthil
2. M.Subramani allies Chinnathambi
3. S.Vijayakumar

... Petitioners

-Vs-

The State
Represented by Inspector of Police,
Vigilance and Anti-Corruption Department,
Namakkal,
(Crime No.5/AC/2016)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.5/AC/2016 is pending on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest for the alleged offences under Sections 120B, 465, 467, 471, 477-A of IPC read with Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 in Crime No.5/AC/2016, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is a Panchayat President at Konthalam Village Panchayat, 2nd petitioner is a Vice President and the 3rd petitioner was working as a Secretary of the Panchayat, and they had manipulated records and created a bogus bill and thereby misappropriated a sum of Rs.3,75,270.- Hence, the complaint was registered, an enquiry was conducted by the respondent police, after enquiry the crime was registered.

3. The learned counsel for the petitioner would submit that the occurrence taken place 2012 for which the complaint has been registered in the year 2016. He would further submit that the investigation is over. He would further submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case, He would further submit that the petitioners are ready and willing to deposit considerable amount without prejudice to their contention and prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the 1st petitioner is a Panchayat President at Konthalam Village Panchayat, 2nd petitioner is a Vice President and the 3rd petitioner was working as a Secretary of the Panchayat, and they had manipulated records and created a bogus bill and thereby misappropriated a sum of Rs.3, 75, 270.- He would further submit that the investigation has been completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the occurrence in the year 2012 now the crime was registered in the year 2016 and the investigation is also completed, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.5/AC/2016, before the learned Chief Judicial Magistrate Cum Special Judge, Namakkal, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Chief Judicial Magistrate Cum Special Judge, Namakkal, on condition that the petitioners shall execute a separate 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 petitioners 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] before executing sureties, the petitioners shall deposit a sum of Rs.1,00, 000/- (Rupees One lakh only) to the credit of Crime No.5/AC/2016, before the concerned Judicial Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

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

-sd/-
24/02/2021

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 CHIEF JUDICIAL MAGISTRATE
CUM SPECIAL JUDGE, NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION DEPARTMENT,
NAMAKKAL.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
SR.No.2238

CRL OP.3490/2021

Date :24/02/2021

cs 05/03/2021



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