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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.3906 of 2021

1.M.Kamaraj
2.Ganesamoorthy

... Petitioners

Vs.

State rep by,
The Inspector of Police,
District Crime Branch,
Villupuram District.
(Crime No.25 of 2016)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.25 of 2016 on the file of the respondent police.

For Petitioners : M/s.M.Gnanasekar

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 409 and 420 of I.P.C. in Cr.No.25 of 2016 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners while working as President and Vice President of Kunnam Panchayat Union, have misappropriated a sum of Rs.14,43,659/-.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the case. The learned counsel further submitted that the petitioners genuinely spent the money for the welfare of the Village Panchayat. The learned counsel, on instructions, further submitted that the petitioners, in order to show their bonafide, are ready to deposit a sum of Rs.10 Lakhs (each Rs.5 Lakhs) to the Block Development Officer, Vanur Panchayat Union, within a period of four weeks from the date of receipt of a copy of this order.



4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the fact that the petitioners are ready to deposit a sum of Rs.10 Lakhs, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vanur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) (each Rs.5 Lakhs) through demand draft drawn in favour of the Block Development Officer, Vanur Panchayat Union. The challan/receipt of such payment shall be produced at the time of executing the bond.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 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]; and;



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

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-sd/-
17/06/2021

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 JUDICIAL MAGISTRATE,
VANUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE BLOCK DEVELOPMENT OFFICER,
VANUR PANCHAYAT UNION.

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

CRL OP.3906/2021

Date :17/06/2021

MK:14/07/2021