

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.5721 of 2020

M. Sudhakar

... Petitioner

Vs.

The State Rep. by
Inspector of Police
District Crime Branch,
Sathuvachari Vellore,
Vellore District - 9,
Crime No. 16 of 2019

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.16 of 2019 on the file of the respondent police.

For Petitioner : Mr.K. G. Senthil Kumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 409, 420, 468, 471 r/w 120(b) of I.P.C in Crime No. 16 of 2019, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner who is a block development officer has misappropriated funds to the tune of Rs.6,66,499/- Hence the complaint.

3. The learned counsel for the petitioner submitted that as per the earlier order passed by this Court on 18.03.2020 the petitioner has already paid a sum of Rs.2,00,000/- and the petitioner is directed to deposit the remaining sum of Rs.4,66,699/- .

4. Today when the matter was taken up for hearing the learned counsel for the petitioner submitted that pursuant to the

orders passed by this Court on 18.03.2020, the petitioner has deposited the balance amount of Rs.4,66,699/- on 06.11.2020 to the credit of Crime No. 16 of 2019 before the Judicial Magistrate-V Vellore, Vellore District.

5.The learned Additional Public Prosecutor would submit that has misappropriated official funds to the tune of Rs.6,66,499/-. Hence, he opposed to grant anticipatory bail to the petitioner.

6.Considering the fact that the petitioner has deposited the entire misappropriated amount on 06.11.2020 before the Judicial Magistrate - V Vellore, Vellore District, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - V, Vellore, Vellore District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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].

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

-sd/-

21/01/2021

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,
NO V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SATHUVACHARI VELLORE,
VELLORE DISTRICT-9.

CC to M/S. K.G.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.5721/2020

Date :21/01/2021

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MN-01/02/2021