

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6902 of 2020

C.BALAMURUGAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
CUDDALORE,
CUDDALORE DISTRICT.
(CRIME NO. 13 OF 2019)

For Petitioner : M/S.N.SUDHARSAN Advocate

For Respondent : MR.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 167, 468, 471, 420, 477(A), 409 r/w 109 of Indian Penal Code and Section 12 r/w 13(2), 13(1)(c) of Prevention of Corruption Act 1988 in Crime No.13 of 2019, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 3 accused in this case and the petitioner is A3. The case of the prosecution is that the petitioner was working as Panchayat Secretary in Eachampoondi Village panchayat and A1 and A2 are working as Union President and Vice President in the said Panchayat. It is alleged that the petitioner along with A1 and A2 said to have misappropriated panchayat funds to the tune of Rs.16,14,000/-. Hence the Vigilance and Anti Corruption Wing, Cuddalore conducted an enquiry and filed a complaint against them.

3.The learned counsel for the petitioner would submit that the petitioner was working as Secretary in the Eachampoondi Village Panchayat and the Accounts of the said panchayat was maintained only by the other accused persons and the petitioner is no way connected with the alleged offence. He would further submit that without prejudice to his defence and contention the petitioner is ready to deposit a considerable amount to the credit of crime No. to show

his bonafide. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was a Secretary in the Eachampoondi Village Panchayat has involved in maintaining accounts of the said panchayat and he only mis appropriated the panchayat funds to the tune of Rs.16,14,000/-. Therefore, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the allegation has taken place in the year 2011 and the F.I.R has been filed on 06.12.2019 and the investigation is almost completed, custodial interrogation of the petitioner is not required at this stage, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.2,00,000/- to the credit of Crime No.13 of 2019 on the file of Chief Judicial Magistrate cum Special Court for Prevention of Corruption Act cases, Cuddalore and on such payment being made, they shall be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Chief Judicial Magistrate cum Special Court for Prevention of Corruption Act cases, Cuddalore on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties 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 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 an when required for interrogation.

[c] the petitioner is directed to deposit a sum of Rs.2,00,000/- to the credit of Crime No.13 of 2019 on the file of Chief Judicial Magistrate cum Special Court for Prevention of Corruption Act cases, Cuddalore within a period of eight weeks from the date of receipt of a copy of this order.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 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.

With the above directions this Criminal Original petition is ordered.

-sd/-
09/03/2021

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 COURT FOR PREVENTION OF CORRUPTION ACT CASES, CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
CUDDALORE,
CUDDALORE DISTRICT.

+1 CC to M/S.N.SUDHARSAN Advocate on payment of necessary charges SR.NO.3146

CRL OP.6902/2020

Date :09/03/2021

TA-23/03/2021