



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12045 of 2021

Rajababu Kaliyan

.. Petitioner

Vs.

State of Tamilnadu

Represented by

The Inspector of Police,

Vigilance and Anti Corruption Police Station,

Perambalur District.

Crime No.5 of 2021

.. Respondent

Prayer : This Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.5 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120B, 167, 409, 419, 468, 471, 477A of IPC read with Section 13(2) & 13(a)(b) of Prevention of Corruption Act, 1988 (Amended in 2018) in Cr.No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had misappropriated the fund of Pradhan Mantri Awas Yojana Gramain Scheme while giving approval to the beneficiaries about Rs.4,20,000/- Thereby, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not been committed any offence as alleged by the prosecution and on instruction, the petitioner is ready to deposit a sum of Rs.4,20,000/- and hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submits that the departmental proceedings against the petitioner is going on and the investigation is pending.



5. Considering the fact that the petitioner is ready to deposit the misappropriated amount , this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate cum Special Judge, Perambalur, 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 and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.4,20,000/- (Rupees Four Lakhs and twenty thousand only) by way of Demand Draft in favour of the District Collector, Perambalur District, without prejudice to his defence before the trial Court within a period of four weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the copy of the Demand Draft and also the acknowledgement of the official, who received the demand draft on behalf of the District Collect, shall accept the sureties furnished by the petitioner.

(b) the petitioner 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 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;

(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 petitioners 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;



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

-sd/-
15/07/2021

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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,
PERAMBALUR

2 THE DISTRICT COLLECTOR
PERAMBALUR DISTRICT.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12045/2021

Date :15/07/2021

APN 03/08/2021