



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13452 of 2021

P.K.BAKKIYARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CBCID, CUDDALORE DISTRICT
CR NO. 2/2020

[RESPONDENT]

For Petitioner : M/S.S.SATHIA CHANDRAN Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 409 and 420 IPC in Cr.No.621 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Joint Director of Agriculture, Cuddalore District. It is alleged by the defacto complainant that the Prime Minister Kisan Samman Nidhi (PM-KISAN) scheme was introduced for an income support of Rs.6,000/- per year in three equal instalments to all Farm Families and said scheme is being implemented effectively all over the State of Tamil Nadu. That being the fact, complaints were received from some farmers that ineligible persons were receiving the income support by uploading their details on the portal and getting it approved illegally. After analysis of the details in the portal, it was revealed that some miscreants have made PM-KISAN portal entry by hacking/staling the District/Block level User UD and Password credentials and thereby registered ineligible persons who did not own any piece of cultivating land. Hence this complaint was lodged by the defacto complainant to launch a criminal prosecution against the erring persons who have committed such offence with an intention to cheat the Government.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further the petitioner has no role in the PM-KISAN Scheme, it was only the Agricultural Officers who entitled to enrol beneficiaries under the said Scheme. The learned counsel further made a submission that challenging the order of Termination, the petitioner has also preferred W.P.No.14886 of 2020 before this Court, wherein an order of interim stay was passed by this Court vide order dated 07.09.2020. However, the learned counsel for the petitioner, on instructions, submitted that the petitioner is ready and willing to deposit a sum of Rs.2,00,000/- to the Prime Minister Kisan Samman Nidhi (PM-KISAN) scheme, without prejudice to his defence before the trial Court and hence prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the benefit of the PM-KISAN Scheme was illegally extended to the ineligible persons, who do not have any piece of cultivating land, by receiving bribe and the investigation is pending in this case. Hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioner to deposit an amount to the PM-KISAN scheme, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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, 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, 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)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make deposit of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the Prime Minister Kisan Samman Nidhi (PM-KISAN) scheme without prejudice to his defence before the trial Court and the concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;



(c) 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;

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

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner 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 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]; and;

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

-sd/-
16/08/2021

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
CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CBCID, CUDDALORE DISTRICT



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13452/2021

Date :16/08/2021

APN 25/08/2021