



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.12625, 12616, 12643 and 12655 of 2021

A.Julie	... Petitioner in Crl.O.P.12625/2021
V.Sankaran	... Petitioner in Crl.O.P.12616/2021
J.Jaisankar	... Petitioner in Crl.O.P.12643/2021
A.Matheena	... Petitioner in Crl.O.P.12655/2021

Vs.

State rep. By Inspector of Police, V & AC, Perambalur District. (Crime No.05 of 2021)	... Respondent in all the Crl.O.Ps.
---	-------------------------------------

Common Prayer:

Petitions filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on anticipatory bail pending investigation in Crime No.05 of 2021 on the file of the respondent.

For Petitioners : Mr.M.Palanimuthu

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

COMMON ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 160, 409, 419, 468, 471, 477-A of IPC and 13(2) r/w. 13(1)(a)(b) of PC Act, 1988, in Crime No.05 of 2021 on the file of the respondent police, seeks anticipatory bail in Crl.O.P.No.12625 of 2021.

2.The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 167, 409, 419, 468, 471, 477-A of IPC and 13(2) r/w. 13(1)(a)(b) of PC Act, 1988, in Crime No.05 of 2021 on the file of the respondent police, seek anticipatory bail in Crl.O.P.Nos.12616, 12643 and 12655 of 2021.



3.The case of the prosecution is that the petitioners are Officials of Block Development Office of Alathur Panchayat Union and they are alleged to have misappropriated the fund of Pradhan Manthri Awaz Yojana Gramain Scheme to the tune of Rs.4,20,000/-.

WEB COPY

4.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.4,20,000/- to the District Collector and further submitted that the petitioners are also ready to deposit a sum of Rs.50,000/- to the Chief Educational Officer, Perambalur District, for improvement of Government Higher Secondary School, Labbaikudikadu.

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

6.Considering the fact that the petitioners are ready to deposit the mis-appropriated amount, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate, Perambalur, 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, without prejudice to their rights, shall deposit a sum of Rs.4,20,000/- (Rupees Four Lakhs and Twenty Thousand Only) through demand draft drawn in favour of the District Collector, Perambalur. The challan/ receipt of such payment shall be produced at the time of executing the bond.

(b)The petitioners shall also make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of the Chief Educational Officer, Perambalur District for the rehabilitation and improvement of the basic needs of the Government Higher Secondary School, Labbaikudikadu, under necessary acknowledgment, without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioners.

(c)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;



(d)the petitioners 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;

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

(f)the petitioners 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 petitioners 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;

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

8.The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/ rehabilitation of the Government Higher Secondary School, Labbaikudikadu, before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
28/07/2021

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,
PERAMBALUR.

2 THE DISTRICT COLLECTOR,
PERAMBALUR.

3 THE CHIEF EDUCATIONAL OFFICER,
PERAMBALUR DISTRICT.

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



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+4 CC to M/S.M.PALANIMUTHU Advocate on payment of necessary
charges SR.NO.7858, 7859, 7860, 7861

Crl.O.P.Nos.12625, 12616, 12643
and 12655 of 2021

Date :28/07/2021

TA-04/08/2021