



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12703 of 2021

S.SAGUNTHALA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
PERAMBALUR.
(CR.NO.5/2021)

[RESPONDENT]

For Petitioner : M/S.L.P.BALAJIRAM 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 13(2) r/w. 13(1)(a)(b) of Prevention of Corruption Act, 1988 and 120(B), 167, 409, 419, 468, 471, 477-A, in Crime No.05 of 2021 on the file of the respondent police,

2.The case of the prosecution is that the petitioner is an Officias of Block Development Office of Alathur Panchayat Union and the petitioner along with other accused have misappropriated the fund of Pradhan Manthri Awaz Yojana Gramain Scheme to the tune of Rs.4,20,000/-.

3.The learned counsel appearing for the petitioner would submit that the petitioner have not committed any offence as alleged by the prosecution. However, on instructions **he further submits that without prejudice to his defence and contentions, the petitioner on his own volition is willing to contribute a sum of Rs.25,000/- for any welfare activities as may be ordered by this Court.**

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



5. Considering the fact that the petitioner is ready and willing to deposit a sum of Rs.25,000/- for any welfare activities as may be ordered by this Court and the fact that the misappropriated amount of Rs.14,70,000/- was ordered to be deposited by the main accused in favour of the concerned District collector in CrI.O.P.No.13152 of 2021 vide order dated 29.07.2021, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner 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 cum Special Judge, Perambalur District, Perambalur**, 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) The petitioner shall also make a non-refundable deposit of Rs.25,000/- (Rupees twenty five 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 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 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;

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



7. 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
CUM SPECIAL JUDGE,
PERAMBALUR DISTRICT, PERAMBALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTICORRUPTION,
PERAMBALUR.

4 THE CHIEF EDUCATIONAL OFFICER,
PERAMBALUR DISTRICT.

5 THE DISTRICT COLLECTOR,
PERAMBALUR.

6 THE DISTRICT COLLECTOR,
SALEM.

+1 CC to M/S.L.P.BALAJIRAM Advocate on payment of necessary charges SR.NO.7838

CRL OP.12703/2021

Date: 28/07/2021

TA-02/09/2021