



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18613 & 18614 of 2021

CHITRARASU @ SITRARASU [PETITIONER / ACCUSED
IN CRL.O.P.NO.18613/2021]

M.ANBALAGAN [PETITIONER / ACCUSED
IN CRL.O.P.NO.18614/2021]

Vs

STATE REP BY [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
CCIW,
DHARMAPURI.
(CRIME NO.1/2021)

For Petitioner : M/S.J.PRADEEP, Advocate [IN BOTH THE PETITIONS]

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners in both the Crl.O.P's who apprehend arrest for the alleged offence under Sections 406, 408, 477(a), 120(B) of IPC in Cr.No.1 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in both the Crl.O.P's is that the petitioners are Ex-President and Assistant Secretary of the Primary Agricultural Co-operative Society, Santhapatty, Dharmapuri and they are arrayed as A-1 and A-3 respectively. It is alleged that the petitioners are said to have misappropriated society's fund to the tune of Rs.7,26,300/- for which the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The learned counsel, on instructions, further submitted that the petitioner/A-1, without prejudice to his rights, on his own volition,



is ready to deposit the amount of Rs.2,86,000/- to the credit of the crime number. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) submits that the petitioners are said to have misappropriated society's fund to the tune of Rs.7,26,300/-. He further submits that already this Court had granted anticipatory bail to the accused/A-2 in Crl.O.P.No.14683 of 2021 dated 16.09.2021 on the condition of deposit of a sum Rs.3,00,000/- to the credit of crime number, which condition has been complied. With regard to the petitioner/A-3, it is submitted that a sum of Rs.1,40,000/- is his share which has already been deposited and the balance amount of Rs.2,86,000/- is yet to be paid to the credit of crime number.

5. Considering the fact that the petitioner/A-1, on his own volition is ready to deposit a sum of Rs.2,86,000/- to the credit of the Crime number and the petitioner/A-3 had already deposited the amount of Rs.1,40,000/-, this Court is inclined to grant anticipatory bail to the petitioners/A-1 and A-3 on certain conditions.

6. 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 **Judicial Magistrate, Harur, Dharmapuri Distirct**, 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:

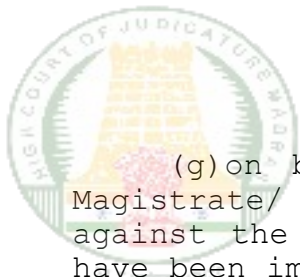
(a) the petitioner/A-1 shall deposit a sum of **Rs.2,86,000/- (Rupees Two Lakhs Eighty Six Thousand Only) to the credit of Crime No.1 of 2021** before learned Chief Judicial Magistrate, Dharmapuri, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence and produce the acknowledgement of the same while executing the sureties.

(b) 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;

(c) 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;

(d) 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.

-sd/-

06/10/2021

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,
HARUR, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI.

3 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
CCIW,
DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.J.PRADEEP Advocate on payment of necessary charges
SR.NO.11061, 11062

CRL OP.18613 & 18614/2021

Date :06/10/2021

TA-20/10/2021