

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20233 of 2020

Sivakumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Thiruvananthapuram

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.6 of 2020 pending investigation on the file of the Respondent Police.

For Petitioners: Mr.Ramesh Kumar Chopra

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 13(2) r/w. 13(1)(a) of Prevention of Corruption Act and under Section 409, 467, 471, 468, 465 r/w.471, 477A of IPC in Crime No.6 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Totally, there are three accused and the petitioner is A3. The petitioner/A3 was working as Hostel Warden in the Government Adi-Dravider Welfare School Hostel, Tiruvannamalai. A1 was working as the Adi-Dravider Welfare Officer and A2 was the Special Tahsildhar. The case of the prosecution is that A1 and A2 have misappropriated the Government fund by preparing false vouchers to the tune of Rs.8,25,489/-. The allegation against the petitioner is that the petitioner has prepared vouchers for the sum of Rs.36,523/- without attaching proper bills as per the guidelines and misappropriated the funds along with A1 and A2. Hence, the respondent police registered a case against the petitioners .

3. The learned counsel appearing for the petitioner would submit that the petitioner was hostel warden and he has to provide

food to the hostel mates. During the month of June 2019, he has purchased groceries and also supplied food to the inmates, for which, he has sent the voucher for the above said amount. He has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner being a hostel warden during the leave period, i.e., June 2019, prepared the bill for a sum of Rs.36,523/- and misappropriated the same.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

a) 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 Judicial Magistrate Court No.I, Thiruvanamalai, on condition that the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.6 of 2020 before the Judicial Magistrate -I, Thiruvanamalai, within a period of two weeks from the date of receipt of a copy of this order.

[d] the petitioner shall appear 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 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 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/02/2021

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,
NO.I, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
THIRUVANNAMALAI.

+1 CC to RAMESH KUMAR CHOPRA Advocate on payment of necessary charges SR NO. 1599

WEB COPY

CRL OP.20233/2020

Date :15/02/2021

MN-23/02/2021