



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19320 of 2021

AKASH

[PETITIONER / ACCUSED]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THIRUVARUR DISTRICT.
CR. NO.4/2020.

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

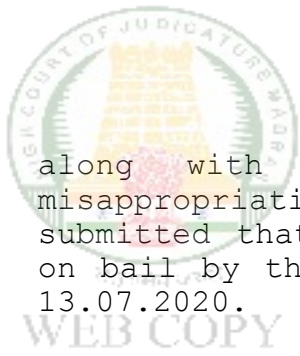
ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 465, 467, 468, 471 and 420 of I.P.C in Cr.No.4 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioner herein and the other accused persons by way of fabricating documents and falsification of accounts had transferred a sum of Rs.4,93,300/- belonging to the panchayat to their personal accounts and cheated the panchayat. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the entire amount was repaid by the main accused and the same was considered by this Court and the co-accused was enlarged on bail in the present case. Hence, he prays for grant of anticipatory bail to the petitioner herein.

4. The learned Government Advocate (Crl.Side) submitted that the main accused/A1 is a relative of the petitioner herein who



along with the other co-accused persons was involved in misappropriation of the money which belongs to panchayat. He further submitted that on the earlier occasion the co-accused was enlarged on bail by this Court in Crl.O.P.No.10170 of 2021 vide order dated 13.07.2020.

5. Considering the facts and circumstances of the case and the submission made by both sides that the entire amount having been settled by the main accused and the co-accused having been enlarged on bail by this Court on the earlier occasion, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and they 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 Thiruvarur, Thiruvarur District on condition that the petitioner shall execute a 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 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 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. until further orders;

(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 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;



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

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-sd/-
20/10/2021

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of
necessary charges SR.NO.11573

CRL OP.19320/2021

Date :20/10/2021

INBA-29/10/2021