



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

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19505 of 2021

1 N.SENTHILAN
2 R.SELVAKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REPRESENTED BY ITS
INSPECTOR OF POLICE,
DCB POLICE STATION,
SP OFFICE, THIRUVARUR.
(CRIME NO.5/2020)

[RESPONDENT]

For Petitioner : M/S.M.MURUGANANTHAM Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 420, 477A of IPC, in Crime No.5 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons had misappropriated a sum of Rs.93,00,000/- (Rupees Ninety three lakhs) from the Panchayat Union. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that each of the petitioner, without prejudice to their defence and contentions, on their own volition, are ready to deposit a sum of Rs.5,00,000/- (Rupees five lakhs) to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that A-4 had been arrested and still in custody and the petitioners herein are Executive Officer and Bill Collector in the Town Panchayat,



Muthupettai. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioners and the each of the petitioner is ready to deposit a sum of Rs.5,00,000/- (Rupees five lakhs) to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruvarur, within a period of fifteen days from the date on which the order copy is made ready, on condition that the petitioners 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:

(a) each of the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.5 of 2020 before the learned Judicial Magistrate, Thiruvarur, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to their defence in the case.

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate, Thiruvarur, may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

(d) the petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(e) the petitioners 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.

-sd/-

12/10/2021

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(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
DCB POLICE STATION,
SP OFFICE, THIRUVARUR.

CC to M/S.M.MURUGANANTHAM Advocate on payment of necessary
charges Sr.11392

CRL OP.19505/2021

Date :12/10/2021

RVR 18/10/2021