



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.392 of 2022

P.Asha

... Petitioner

Vs.

The State Represented by,
Deputy Superintendent of Police,
Vigilance & Anti-Corruption.
Tiruvannamalai.
Crime No.09 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.09 of 2021 pending on the file of the respondent police.

For Petitioner : Mr. S.Prakash

For Respondent : Mr. N.S.Suganthan
Governement Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 167, 409, 465, 467, 468, 471 of Indian Penal Code, Sections 13(2) r/w 13(1)(c), 13(2)r/w 13(1)(a) of Prevention of Corruption Act, 1988 in Crime No.09 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner (arrayed as A7) has been holding the post of Village Panchayat President from 06.01.2020. It is alleged that petitioner along with other accused had misappropriated a sum of Rs.31,21,2017 by issuing bogus job cards under the MGNREGS scheme. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. He



further submits that the alleged occurrence is said to have happened from the year 2012 and further the petitioner inducted as a president only in the year 2020. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to her rights, is ready to deposit the amount of Rs.1,00,000/- (One Lakh only) to the credit of the Crime Number 09 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner with any conditions.

4. The learned Government Advocate (Crl.Side) submits that the petitioner also issued fake job cards which is subject matter. He further submits that some of the accused persons are still absconding. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the First Information Report.

6. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Hon'ble Chief Judicial Magistrate and Special Judge, Hon'ble Chief Judicial Magistrate for Trial of Cases under PC Act, Tiruvannamalai 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime Number 09 of 2021 within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier before the Hon'ble Chief Judicial Magistrate and Special Judge, Hon'ble Chief Judicial Magistrate for Trial of Cases under PC Act, Tiruvannamalai. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the amount of Rs.1,00,000/- was deposited by the petitioner to the credit of Crime Number 09 of 2021 within a period of two weeks thereafter;

(b) the petitioner and 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 petitioner shall report before the respondent Police on every Tuesday at 10.30 a.m., until further orders.

(d) the petitioners 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].

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
10/01/2022

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
AND SPECIAL JUDGE, CHIEF JUDICIAL MAGISTRATE
FOR TRIAL OF CASES UNDER PC ACT,
TIRUVANNAMALAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TIRUVANNAMALAI.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.S.PRAKASH Advocate on payment of necessary charges
SR.NO.525

CRL OP.392/2022

Date :10/01/2022

JPA 19/01/2022