



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1052 of 2022

1.M.Sundaramoorthy
2.Narayanamoorthy
3.E.Santhosh

...Petitioners

Versus

The State
Rep by Deputy Superintendent of Police,
Vigilance & Anti Corruption,
Tiruvannamalai.
(Crime N.09 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.09 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.R.Hari
For Mr.M.Madhavan

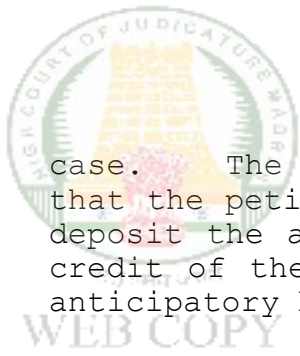
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 167, 409, 465, 467, 468, 471 of IPC, 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, seek anticipatory bail.

2. The case of the prosecution is that the petitioners 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 petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this



case. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.7,00,000/- (Rupees Seven Lakhs only) to the credit of the Crime Number 09 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners with any conditions.

4. The learned Additional Public Prosecutor submits that the petitioners along with other accused had misappropriated a sum of Rs.31,21,2017 by issuing bogus job cards under the MGNREGS scheme. He further submitted that the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the petitioners are ready and willing to deposit a sum of Rs,7,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 Chief Judicial Magistrate and Special Judge, for Trial of Cases under PC Act, Tiruvannamalai, 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) the first petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Cr.No.09 of 2021 before the learned Chief Judicial Magistrate and Special Judge, for Trial of Cases under PC Act, Tiruvannamalai, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier,. On such deposit being made, the learned Chief Judicial Magistrate and Special Judge, for Trial of Cases under PC Act, Tiruvannamalai, shall obtain an affidavit of undertaking from the defacto complainant (Nambedu Village Panchayath union) stating that in the event of the first petitioner succeeding the case, the amount of Rs.3,00,000/- deposited by the first petitioner to the credit of Cr.No.09 of 2021 will be returned to the first petitioner and after obtaining such affidavit of undertaking from the defacto complainant (Nambedu Village Panchayath Union), shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;



(b) the second petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakh only) to the credit of Cr.No.09 of 2021 before the learned Chief Judicial Magistrate and Special Judge, for Trial of Cases under PC Act, Tiruvannamalai, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier,. On such deposit being made, the learned Chief Judicial Magistrate and Special Judge, for Trial of Cases under PC Act, Tiruvannamalai, shall obtain an affidavit of undertaking from the defacto complainant (Nambedu Village Panchayath union) stating that in the event of the second petitioner succeeding the case, the amount of Rs.3,00,000/- deposited by the second petitioner to the credit of Cr.No.09 of 2021 will be returned to the second petitioner and after obtaining such affidavit of undertaking from the defacto complainant (Nambedu Village Panchayath Union), shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(c) the third petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.09 of 2021 before the learned Chief Judicial Magistrate and Special Judge, for Trial of Cases under PC Act, Tiruvannamalai, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier,. On such deposit being made, the learned Chief Judicial Magistrate and Special Judge, for Trial of Cases under PC Act, Tiruvannamalai, shall obtain an affidavit of undertaking from the defacto complainant (Nambedu Village Panchayath union) stating that in the event of the third petitioner succeeding the case, the amount of Rs.1,00,000/- deposited by the third petitioner to the credit of Cr.No.09 of 2021 will be returned to the third petitioner and after obtaining such affidavit of undertaking from the defacto complainant (Nambedu Village Panchayath Union), shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

[d] the petitioners 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.

[e] the petitioners 1 and 2 shall report before the respondent police on every Tuesday at 10.30 a.m., until further orders and the third petitioner shall report before the respondent police as and when required for interrogation.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioners shall not abscond either during investigation or trial.



[h] 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].

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

-sd/-
20/01/2022

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,
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.

+2CC to M/S.M.MADHAVAN Advocate on payment of necessary charges
SR.No.966

CRL OP.1052/2022

Date :20/01/2022

CSK 28/01/2022