



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2026 of 2022

Vinothini

... Petitioner

Versus

State Rep by
The Inspector of Police,
DCB Police Station,
Vellore District.
(Crime No.24 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.24 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

Order

The petitioner, who apprehends arrest for the alleged offences under Section 120(B), 420 of IPC in Cr.No.24 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is daughter of accused/A3 and a trustee of Tribal Social Educational and Economic Development (TSEED). The petitioner along with her family members have collected an amount of Rs.34,73,287/- from public but was not deposited the same to the defacto complainant's company i.e NABFINS LTD, a sister concern of NABARD during the period from October- 2020 to September-2020. On verification, it is confirmed that the amount has been misappropriated by the petitioner and her family members. Hence, the complaint was lodged by the defacto complainant.

3.The learned counsel appearing for the petitioner submits that she has no way connected with alleged occurrence and she has been falsely implicated in this case. However, the learned counsel, on instructions, further submit that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.10,00,000/- to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submits that the petitioner along with her family members running a trust in the name of Tribal Social Educational and Economic Development (TSEED) and collected an amount of Rs.34,73,287/- from the public. Without depositing the said amount to the defacto complainant's company, they have misappropriated the money. He further submitted that in order to help self help groups, the said amount was disbursed to the credit of the said company. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the gravity of offence committed by the petitioner that the public money has been misused by the accused persons. However, petitioner on her own volition, is ready to deposit an amount of Rs.10,00,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakh only) to the credit of Crime No.24 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 and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate No.I, Vellore on condition that the petitioners 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)the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakh only) to the credit of Crime No.24 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,00,000/- on proper identification and acknowledgment;

(b)the petitioner and 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 is directed to appear before the respondent police every Monday and Friday 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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/-
01/02/2022

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 JUDICIAL MAGISTRATE NO.I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DCB POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges SR.NO.1851

CRL OP.2026/2022

Date :01/02/2022

MK:04/02/2022