



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.04.2022

Pronounced on : 29.04.2022

Coram::

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THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.9838 of 2022

G.Indira

... Petitioner/Accused

/versus/

State by the Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.188 of 2022)

... Respondent/Complainant

Prayer:- This Criminal Original Petition is filed under Section 438 of Cr.P.C., pleaded to enlarge the petitioner on anticipatory bail in the event of arrest in relating to Crime No.188 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

O R D E R

The petitioner herein, who apprehending arrest for the alleged offence under Section 294(b), 353, 506(1) I.P.C., in Crime No.188 of 2022, on the file of respondent police, seeks anticipatory bail.

2. The petitioner herein is the elected as President of Karaipoondi Village Panchayat. Due to certain serious allegations of financial misconduct, her cheque drawing power has been withdrawn by the District Collector/Inspector of Panchayat. Infuriate by that, it is alleged that, she has called the Union Secretary over phone and threatened him. On 07/04/2022, when enquiry was conducted by the Deputy Collector, she disturbed the proceedings. She locked the Panchayat Board Office and prevented the staff from discharging their duties. In this connection, on 22.04.2022 a complaint was lodged by the Secretary, for alleged offences under Sections 294(b), 353 and 506(1) of I.P.C.

3. The Learned Counsel for the petitioner submitted that, the petitioner is the President of the said village for more than 10 years. After change of Government in the State, the present ruling dispensation through the District Collector has withdrawn her cheque drawing power. While so, in order to give pinprick to the petitioner



in her lawful discharge of duty as President, the present false complaint has been filed.

4. The alleged intimidating telephonic conversation of the petitioner with the defacto complainant is recorded. The Learned Government Advocate (Crl.Side) for the respondent-police strongly oppose the grant of bail. However, on considering the facts and circumstances, this Court is of the view that the custodial interrogation of the accused person is not required.

5. Considering the above facts, this Court is inclined to grant anticipatory bail. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Polur, on condition that, the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties 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 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;

(b). The petitioner shall appear before the Investigating Officer as and when required for interrogation.

(c).The petitioner shall not tamper with evidence or witness either during investigation or trial;

(d). The petitioner shall not abscond either during investigation or trial;

(e). 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;



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

-sd/-

29/04/2022

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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,
POLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 INSPECTOR OF POLICE
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.L.P.SHANMUGASUNDARAM Advocate on payment of necessary charges Sr.6500

CRL OP.9838/2022

Date :29/04/2022

RVR 29/04/2022