



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13146 of 2022

T.P.DURAI

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY ITS [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION (V AND AC),
TIRUVANNAMALAI.
CR.NO.6 OF 2018.

For Petitioner : M/S.E.SATHIYARAJ Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 13(2) r/w 13(1)(c)(d) of the Prevention of Corruption Act 1988 and Sections 120(B), 167, 468, 471, 420, 477A, 409 of IPC r/w 109 of IPC in Crime No. 6 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 and A2 were the President and Secretary of the Thiruppanagadu Primary Agricultural Co-operative Credit Society. As per the Government Order, A2 prepared the details of beneficiary list for the borrowers to waive the outstanding (Agricultural) loan. In this connection, A1 and A2 conspired together and included the name of A1 in the beneficiary list illegally, thereby, causing loss to the Government fund of Rs.84,892/- and A3 obtained a sum of Rs.10,00,000/- towards loan from the society for purchasing a harvester machine, though he is eligible only for getting a loan amount of Rs.5 lakhs. Based on the detailed enquiry, the respondent police registered a case in Crime No.6 of 2018.



3. The learned counsel for the petitioner would submit that this is the second anticipatory bail. This Court had already dismissed the earlier petition filed by the petitioner in CrI.O.P.No.11960 of 2022 dated 19.05.2022. Now, on instructions, he would further submit that the petitioner is ready and willing to deposit a sum of Rs.84,892/- (Rupees Eighty Four Thousand Eight Hundred and Ninety Two only) to the Crime No.6 of 2018. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the the petitioner A1 and A2, who were the President and Secretary respectively of the above Society, colluded together, created false agreement and cheated the Government, by causing loss to the tune of Rs.84,892/- (Rupees Eighty Four Thousand Eight Hundred and Ninety Two only) to the Government.

5. Considering the submission made by the learned counsel for the petitioner, 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.84,892/- (Rupees Eighty Four Thousand Eight Hundred and Ninety Two only) to the credit of Crime No. 6 of 2018, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Chief Judicial Magistrate cum Special Court, 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 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.

[b] the petitioner shall deposit a sum of Rs.84,892/- (Rupees Eighty Four Thousand Eight Hundred and Ninety Two only) to the credit of Crime No.6 of 2018, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 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.

-sd/-

07/06/2022

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
CUM SPECIAL COURT, TIRUVANNAMALAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION (V AND AC),
TIRUVANNAMALAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.SATHIYARAJ Advocate on payment of necessary
charges SR.NO.8569

CRL OP.13146/2022

Date :07/06/2022

TA-21/06/2022