



Crl.O.P.No.15470 of 2022

WEB COPY

Crl.O.P.No.15470 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 408, 471, 477(A) IPC in Crime No.5 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was president of Sirumangalam Primary Agricultural Co-operative Society and he along with other accused alleged to have misappropriated the society's fund to the tune of Rs.4,74,250/- Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that A-2 and A-5 were granted anticipatory bail by this Court. However, on instructions, he would furthermore submit that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of crime No.5 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.15470 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the overt act against the petitioner is that he is alleged to misappropriated to the tune of Rs.50,000/- and hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, 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.50,000/- (Rupees Fifty Thousand Only) to the credit of crime No.5 of 2022, 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 her appearance, before the learned Judicial Magistrate No.2, Panruti 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



CrI.O.P.No.15470 of 2022

WEB COPY

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.50,000/- (Rupees Fifty Thousand Only) to the credit of crime No.5 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.



CrI.O.P.No.15470 of 2022

WEB COPY

[g] 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]**.

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

05.07.2022

Anu



WEB COPY



Crl.O.P.No.15470 of 2022

G.K.ILANTHIRAIYAN, J.
Anu

Crl.O.P.No.15470 of 2022

05.07.2022