



Crl.O.P.No.19249 of 2022

Crl.O.P.No.19249 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 167, 420, 467, 468, 471, 474, 477(A), 409 of IPC r/w 109 IPC and 7, 13(1) (c) & (d) r/w 13(2) & 12 of P.C.Act, 1988 in Crime No.19 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner was appointed as a Panchayat Board clerk in the year 1996. Thereafter, she got promoted as a Junior Assistant and she is working at Kaveripakam Panchayat Board in the year 2016 to 2018. At that time, she was misappropriated the funds of Panchayat board. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are totally three accused, in which



Crl.O.P.No.19249 of 2022

the petitioners are A1 and A2. A1 is Secretary of Kizhaveeranam Panchayat and A2 is husband of A1. The A1 misappropriated the Panchayat funds to the tune of Rs.2,03,443/- and collected excess amount as house tax by giving forged receipts and made false entries in official records. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, the crime of the year is 2019, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Walajabad, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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



CrI.O.P.No.19249 of 2022

which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter as and when required for interrogation.

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

[d] the petitioners 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 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]**.

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

16.08.2022

Lpp

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No.19249 of 2022

Lpp

Crl.O.P.No.19249 of 2022

16.08.2022