



Crl.O.P.No.19968 of 2022

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Crl.O.P.No.19872 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 408, 464, 471, 477A and 120B of IPC in Crime No.2 of 2021 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with others were alleged to have misappropriated the funds of the society. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted bail on 20.10.2021 in Crl.O.P.No.17830 of 2021. Due to personal inconvenience, the petitioner was not able to deposit the amount as directed by this Court and therefore, the petitioner has again filed the present petition seeking for anticipatory bail. On instructions, he would further submit that the petitioner is ready and willing to contribute a sum of 5,000/- for any welfare activities as may be ordered by this Court and prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioners by stating that the petitioner was not able to execute the sureties as directed by this Court.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Judicial Magistrate-II, Krishnagiri*** 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



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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 pay the amount which was misappropriated by her for a sum of Rs.1,96,581/- (as mentioned in the tabular column) by way of demand draft to the credit of Crime No.2 of 2021, before the Judicial Magistrate-II, Krishnagiri without prejudice to her defence before the trial court within a period of four weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the demand draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Magistrate is directed to disburse the amount to the defacto complainant on filing appropriate undertaking affidavit before the trial court.

[c] the petitioner shall report before the respondent police daily at 10.30 until further orders.

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



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

29.08.2022

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