



Crl.O.P.No.22975 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 167, 409, 420 of IPC and Section 13(2) r/w 13(1)(a) of Prevention of Corruption (Amendment) Act, 2018 in Crime No.2 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the respondent is that one Veeralakshmi, who is currently working as Headmistress of Government Higher Secondary School, Kovur and she is a public servant as defined under Section 2(c) of Prevention of Corruption Act. Further, case is that through the Department of School Education, to help the students preparing for NEET Exam, the Government has sanctioned of a sum of Rs.58,800/- towards payment of faculty remuneration and Rs.1,66,000/- towards purchase of equipment (LCD Projector, Wall-mounted smart Board, Computer, etc) of each coaching center. He would also submit that the said Headmistress along with the petitioners, who are the office bearers of the Parent Teacher Association have misappropriated the Government funds to the tune of Rs.1,66,000/-. Hence, the case.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and the 1st petitioner is the President of the Parent Teachers Association of Government Higher Secondary School, Anakaputhur, Chengalpet District and the 2nd petitioner is his wife. They have innocently believed A1, the Headmistress and on her instructions, has withdrawn the amount through the cheque issued by her, other than this, they have nothing to do with the alleged offence. He would further submit that the Headmistress is still in employment and no action has been taken against her so far. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the 1st petitioner is the President of the Parent Teachers Association of Government Higher Secondary School, Anakaputhur, Chengalpet District and the 2nd petitioner is the wife of the 1st petitioner. He would submit that they have colluded with the first accused (A1) Headmistress of the School and they have assisted A1 in misappropriating the sum of Rs.1,66,000/-, which was given to the Government for establishment of competitive examination coaching



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center. He would submit that the Headmistress is still working and she has not been arrested so far. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record. Taking into consideration the facts and circumstances of the case and also the fact that the main accused, the Headmistress is still in employment and she has not been arrested and the allegation against the petitioners are that they have only assisted A1, 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 made ready, before the **learned IX Judicial Magistrate, Saidapet**, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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 everyday at 10.30 a.m., until further orders.

[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]**.



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

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