



Crl.O.P.No.26396 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 167, 468, 471, 477(A), 406 and 409 of IPC and under Section 13(2) read with 13(1)(a) of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018, in Crime No.13/2022/AC/CB on the file of the respondent police, seeks anticipatory bail.

2. Based on the Vigilance Report, the respondent has registered a case against the petitioner for offences under Sections 167, 468, 471, 477(A), 406 and 409 of IPC and under Section 13(2) read with 13(1)(a) of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018. The crux of the allegation is that the petitioner, who is the elected President of Chikkadasampalayam Village Panchayat – Coimbatore, colluded with the Assistant Engineer in the Karamadai Panchayat Union, Assistant Executive Engineer Coimbatore Sub-Division, Vice-President in the Chikkadasampalayam



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Village Panchayat and the road contractor had improperly laid the road while up-gradation and there by caused loss of Rs.8,40,000/- to the Panchayat. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the elected President of Chikkadasampalayam Village Panchayat, Coimbatore and since the present Government is antagonised with the petitioner, a false complaint has been given. He would further submit that from the photographs shown it would be clear that the roads are properly laid. He would further submit that A5 in this case is a registered contractor with the Panchayat Department and even today his license has not been cancelled. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the accused who are respectively the President of Chikkadasampalayam Village Panchayat - Coimbatore, Assistant Engineer in the Karamadai Panchayat Union, Assistant



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Executive Engineer Coimbatore Sub-Division, Vice-President in the Chikkadasampalayam Village Panchayat and the contractor for laying tar roads in Chikkadasampalayam Village Panchayat have colluded together and in order to cause loss to the Government have improperly laid road during the up-gradation and caused loss of Rs.8,40,000/- to the Government. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Judge, Special Court, Prevention of Corruption Act, Coimbatore**, on condition that the petitioner shall execute a bond for a



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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 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 report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

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

[d] the petitioner 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



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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]**.

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

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