



Crl.O.P.No.26470 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 elected President of Chikkadasampalayam Village Panchayat - Coimbatore, Assistant Engineer in the Karamadai Panchayat Union, Assistant Executive Engineer Coimbatore Sub-Division, Vice-President in the Chikkadasampalayam Village Panchayat and the road



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contractor/petitioner herein in the Chikkadasampalayam Village Panchayat had colluded with each other and in order to cause loss to the Panchayat 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 had been the approved contractor of the Panchayat Department for the past 10 years and he had been doing his work without blemish and he has never been brought to the adverse notice and he has carried out his work in a proper manner, however for political reasons, to fix the elected representatives a false complaint has been given & the petitioner is also roped in. He would submit that if at all the road has been laid improperly, he is liable for the action by the Government for cancellation of the licence, whereas, the license of the petitioner has been extended till 31.03.2023. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and in order to show his bonafide, the petitioner is prepared to deposit original title deeds not less than value of Rs.5 Lakhs along with the



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valuation certificate obtained from the authority concerned to the credit of Crime No.13/2022/AC/CB and 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 Executive Engineer Coimbatore Sub-Division, Vice-President in the Chikkadasampalayam Village Panchayat and the petitioner who is the road contractor in the Chikkadasampalayam Village Panchayat have colluded with each other 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



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and also the undertaking given by the petitioner to deposit original title deeds not less than value of Rs.5 Lakhs to the credit of Crime No.13/2022/AC/CB, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit original title deeds (stand in the name of the petitioner or in name of his friends or relatives) not less than value of Rs.5,00,000/- (Rupees Five Lakhs Only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.13/2022/AC/CB 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 Special Judge, Special Court, Prevention of Corruption Act, Coimbatore**, on condition that the petitioner 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



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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 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]**.



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

01.11.2022

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