



Crl.O.P.No.27668 of 2022

WEB COPY **A.D.JAGADISH CHANDIRA,J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 406, 408, 409 and 477A of IPC in Crime No.01 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the secretary of Sainampet Primary Agriculture Co-operative Society along with the president of the said Society, who is arrayed as A1 had colluded together by fabrication of documents and falsification of accounts, cheated the defacto complainant to the tune of Rs.38,92,982/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, as per the surcharge proceedings, the liability fixed on the petitioner is Rs.11,54,348/- and the petitioner had paid an amount of Rs.5 lakhs and on the date of his superannuation, the petitioner was suspended from the service and the entire terminal benefits



has been withheld by the Government. He would also submit that without prejudice, the petitioner to show his bonafides, is prepared to deposit original title deeds of documents of immovable property worth Rs.5 lakhs at the time of furnishing the sureties. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that, petitioner along with A1, by fabrication of documents and fabrication of accounts, cheated the defacto complainant to the tune of Rs.38,92,982/- Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to deposit original title deeds of documents of immovable property worth Rs.5 lakhs at the time of furnishing the sureties, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner shall deposit the original title deed of an immovable property worth Rs.5,00,000/-(Rupees Five Lakhs) to the credit of Crime No.01 of 2022 and on such deposit, 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 Judicial Magistrate No.2, Vellore**, 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 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 daily at 10.30.a.m., for a period of two weeks and thereafter on every Saturday at



10.30.a.m., until further orders.

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[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]**.

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

**14.11.2022**

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