



Crl.O.P.No.28843 of 2022

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T.V.THAMILSELVI, J.

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120B, 420, 167 and 409 of IPC 1890 and Section 13(2) read with Section 13(1)(C) of the Prevention of Corruption Act 1988 in Crime No.10 of 2022, seeks anticipatory bail.

2. The petitioner is a Medical Doctor by qualification and retired from Government Service as Director of Medical and Rural health Services, Chennai upon attaining superannuation on 30.06.2018. He has also certified that no charges are pending against him.

3. The case of the prosecution is that the petitioner herein along with other three accused colluded together and created forged indent for the procurement of medicines for the year 2017-2018 for the Madurai Region to a sum of Rs.40,29,30,190/- as against the actual indent for a sum of Rs.13,12,52,093/-. The above said act had caused loss to the



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Government to the tune of Rs.27,16,78,097/-. Hence, the complaint.

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4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He also further stated that the respondent police on 15.11.2022 had conducted search in the petitioner's residence and nothing was found there to prove the alleged offence and the petitioner has also certified that no charges pending as against him at the time of his retirement. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) submits that the petitioner along other three accused had forged indent for the procurement of medicines for the year 2017-2018 for Madurai Region, to a sum of Rs.40,29,30,190/- as against the actual indent for a sum of Rs.13,12,52,093/- the swindled the Government money which caused loss to the Government to the tune of Rs.27,16,78,097/-. The investigation is at preliminary stage and if he is granted anticipatory bail



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at this stage, then there is possibility of abscondance and tampering the witnesses and this will hamper the investigation. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and the fact that the alleged occurrence said to be happened in the year 2018 and investigation already conducted in his house, records were collected, 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 his appearance before the **learned Chief Metropolitan Magistrate, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties (One surety must be blood surety) 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 is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.10 of 2022** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] 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;

[c] the petitioner is directed to report before the respondent police daily at 10.30 a.m., for a period of four months and thereafter on every Wednesday at 10.30 a.m., for a period of two months for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial; surrender the passport before the Trial Court if he possesses;

[e] the petitioner shall not abscond either during



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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 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]**;

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

[h] Order is to be complied within one week from the date of receipt of this order.

13.12.2022

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