



Crl.O.P.No.31711 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 167, 197, 420, 465, 468, 471 IPC, Sections 13(2) r/w13(1)(d) of Prevention of Corruption Act, in Crime No.5/AC/2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner/A8, who is the President of Sri Konur Kalamman Small Farmers Lift Irrigation Association, Pothanur, applied government order for lift irrigation in the year 2006 and the Government order in G.O.Ms.No.331, Public Works (N1) Department dated 12.10.2007 covered 250 acres of lands for irrigation, whereas, A8 instead of executing work in the above said lands, started laying pipelines to supply river water to the villages which were not listed in the about said Government order without any authorization by obtaining several lakhs of rupees from those villagers. He has also made a representation for making necessary amendment to include the new villages



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where the pipelines were laid against the said government order, by removing other three villages. The further allegation is that the petitioner along with the other accused conspired together with a dishonest intention to obtain pecuniary gain, created false certificates with fictitious survey numbers, which were signed by A3 to A7 and by obtaining gratification from A8, created no objection statement of farmers by forging their signatures to strengthen his representation. The further allegation is that by utilizing the HT electricity power connection obtained for the said association to other association which are under the control of A8, and by consuming excess electricity power, caused loss to the government exchequer. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner, aged about 70 years, is an innocent person and due to the previous enmity, he was falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged offences and he denies all the allegations made in the First Information Report. He also stated that he had taken steps to amend the Government Order for the benefits of the farmers by following all the legal procedures and the documents produced were genuine. He also



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submitted that the petitioner has discharged his duties in the capacity of the President of Sri Konur Kaliasman Small Farmers Lift Irrigation Association and also stated that if the case of the prosecution is true, the Government might not have passed the amendment Government Order. He further submitted that he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent raised his objection stating that the lift irrigation scheme for the welfare of the small farmers introduced by the State Government was misused by the accused including Government Officials, by fabricating the forged documents. He also submitted that the petitioner, who is the President of Sri Konur Kaliasman Small Farmers Lift Irrigation Association, Pothanur, played the main role in the said allegation. He further submitted that the fact remains is that the allegations starts from the year 2007 itself and some of the officials included in this case were retired from their service. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that since the Association named Sri Konur Kaliamman Small Farmers Lift Irrigation Association is still functioning at the same place, there is not possibility of the petitioner to abscond, 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, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Namakkal**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police



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officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stands 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 on every Tuesday and Friday at 10.30a.m. for a period of three months and thereafter, as and when required for interrogation;

[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.

23.12.2022

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