



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17848 of 2021

1.S.Iyyanar
2.Valarmathi

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Vigilance and Anti Corruption Police Station,
Tirunelveli District.
Crime No.9 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Arumugam,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

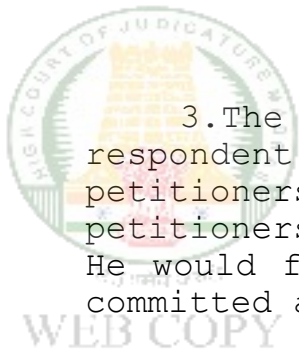
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory bail in Crime No.9 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 13 (2) r/w 13(i)(e) of Prevention of Corruption Act, 1988, Sections 13 (2) r/w 13(i)(b) of Prevention of Corruption Act, 1988, as amended in Act 16 of 2018, in Crime No.9 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant has collected information against the first petitioner, who is the Secretary in O.1972, Primary Agriculture Co-operative Credit Society, Uthumalai, Tenkasi, that he intentionally enriched himself illicitly in his name and his wife, ie., second petitioner, during the tenure of his Office and he is in possession of pecuniary resources and the properties to the tune of Rs.41,43,268/-, which is disproportionate to his known source of income. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the respondent police has not taken into account the loans of the petitioners, while calculating disproportion assets, though, the petitioners have filed documents relating to the loan transactions. He would further submit that the petitioners are innocents and not committed any such offence, as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is completed and they are going to file the charge sheet shortly. He would further submit that the check period is between 2015 to 31.12.2020 and the amount is Rs.41,43,360/-.

5.Considering the facts and circumstances of the case and also the facts that the investigation is completed and the respondent police is going to file charge sheet shortly, as stated by the learned Government Advocate (Crl.Side), that they are not having any serious objection to enlarge the petitioners on bail and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

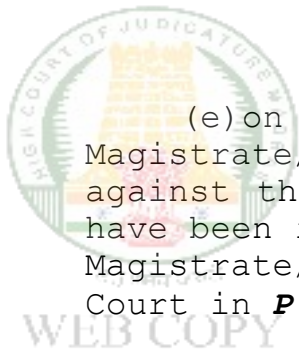
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Magistrate, Special Court for Trial of cases under Prevention of Corruption, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 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 first petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent police, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE SPECIAL MAGISTRATE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
PREVENTION OF CORRUPTION, TIRUNELVELI.

2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-1048[I] dated 11/02/2022)

ORDER

IN

CRL OP(MD) No.17848 of 2021

Date :10/02/2022

PNM

MK/PN/SAR.III/16.02.2022/3P/5C