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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 02/09/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP (MD) No.18876 of 2021

Thirukalyani

... Petitioner/Sole Accused

Vs.

State rep. By
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.82 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.82 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 409 and 420 IPC, in Crime No.82 of 2021 on the file of the respondent police, seeks anticipatory bail

2.The case of the prosecution is that the de-facto complainant, the Block Development Officer lodged a complaint stating that accused person was officiating as President of Sasthavinallur Village. As per the official communication, the accused was



permitted to invite deposit of Rs.1,000/- per water connection. But against the above said letter and direction, the accused person collected Rs.3,000/-. But failed to issue a receipt or certificate for the above said deposit amount. But instead, she issued certificate only for Rs.1,000/-. So on the basis of the spot inspection, that was undertaken by the Block Development Officer namely the Regional Officer, report was submitted and on the basis of the above said report, the complaint was launched and by that process, she swindled and misappropriated money. Based upon the above said complaint, the case was registered.

3. Seeking anticipatory bail, this petition has been filed by the petitioner on the ground that the resolution that was passed by the Panchayat has not given any indication as to the amount that has been collected to the drinking water connection.

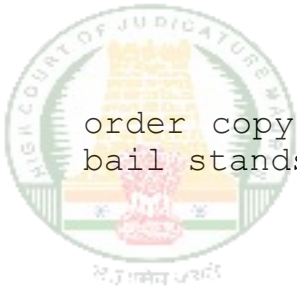
4. Heard both sides.

5. The resolution copy is also produced by the petitioner, wherein we find that on 05th August 2020, a resolution has been passed by the Panchayat Board Council to the effect that on inspection during 2015-2016 period, it was found that unauthorised drinking water connection has been provided to the villagers. So they have passed a resolution to receive the deposit from the above said persons and collecting the fees for five years. So on deposit being made and on payment of five years arrears period of the charges, the above said water connection can be regularised. Nowhere, it has been stated that only Rs.3,000/- can be collected from the villagers. So pointing out this resolution, the learned counsel for the petitioner has submitted that there is no violation of any resolution.

6. Whether any such communication has been sent to the concerned Panchayat to collect only for Rs.1,000/- is a matter for investigation.

7. During the course of investigation, the receipt books may also be collected and statements of the villagers may also be recorded, for which the custodial interrogation of the petitioner may not be required. On that sole ground, this court **is inclined to grant anticipatory bail** to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Sathankulam and on her executing 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the



order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

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Sd/-
02/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.THALAIMUTHARASU G Advocate SR.No.9660

ORDER
IN
CRL OP(MD) No.18876 of 2021
Date :02/09/2022

SP/SVR/SAR I/15/09/2022/3P/6C