



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17824 of 2022

1.Guruvammal,
2.Kaliraj,

... Petitioners / Accused Nos.1 & 3

Vs

The State rep.by,
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
(Crime No.384 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

For Intervenor : Mr.M.Prabhakaran, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.384 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 465, 468 and 471 of IPC, in Crime No.384 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is functioning as Vice President of Perumalpatti Panchayat. The accused No.1 is functioning as Panchayat President, accused No.2 is functioning as Panchayat Clerk and the accused No.3 is the husband of the A1. On 10.06.2022, when the defacto complainant went to the Indian Bank, Mangudi Branch, she came to know that the accused Nos.1 and 3 fabricated the signature of the defacto complainant and misappropriated the Panchayat Fund to the tune of Rs.9,02,565/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to personal rivalry, the defacto complainant preferred the above



complaint. The Petitioners never misappropriated the Panchayat money and they had nothing to do with the alleged occurrence.

4.The learned Additional Public Prosecutor (Crl.side) appearing for the respondent police vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners are directed to deposit a sum of Rs.1,50,000/- (Rupees One lakh Fifty Thousand only) each to the credit of Panchayat Account within a period of three weeks from the date of receipt of a copy of this order, without prejudice to their rights;

(c) the first petitioner shall report before the respondent police as and when required for interrogation; and the second petitioner shall report before the respondent police **once in a week i.e., on every Friday at 10.30 a.m.**, for a period of eight weeks, and thereafter, as and when required for interrogation;

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

(e)the petitioners shall not abscond either during 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(g)if the accused / petitioners thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

sd/-
06/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
K.V.NALLUR POLICE STATION, TENKASI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17824 of 2022
Date :06/10/2022

vsd
MK/GB/SAR.I/11.10.2022/3P/5C