



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22144 of 2022

Arunakili

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli District.
Crime No.1 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Rajan R,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 409 and 420 IPC and Section 132(2)(C) of Prevention of Corruption Act, in Crime No.1 of 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 from the year 2006 to 2016, the petitioner was the President of Kuthukkalvalasai Panchayat and A2 and A3 were Secretaries during the relevant period. The allegation against them is that they have illegally granted 179 water connections and had caused wrongful loss of Rs.1,79,000/- to the Village Panchayat. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and due to political reasons, a false

<https://www.mhc.tn.gov.in/judis>



complaint has been given. He would further submit that the petitioner was the elected President of Kuthukkalvalasai Panchayat from the year 2006 to 2016 and during that period, A2 and A3 were the Panchayat Secretaries and they have without permission and knowledge of the petitioner, have given connection to 179 villagers and the petitioner has nothing to do with the alleged offence. He would further submit that the entire case of the prosecution is borne out by records and the petitioner is ready to co-operate with the investigation and abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail.

4.The learned Government Advocate (Crl. side) for the respondent would submit that the petitioner was the elected President of Kuthukkalvalasai Panchayat from the year 2006 to 2016 and A2 and A3 were Secretaries of the said Panchayat during that period. The allegation against them is that they have illegally granted 179 water connections and had caused wrongful loss of Rs.1,79,000/- to the Village Panchayat. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

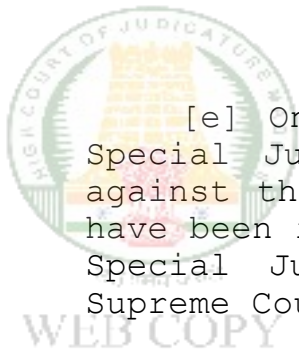
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judge for Trial of Cases under the Prevention of Corruption Act, 1988, Tirunelveli, on condition that the petitioner shall execute 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 Special Judge concerned 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 Special Judge/Trial Court 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 everyday at 10.30 a.m., for a period of two weeks 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 Special Judge/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 Special Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
15/12/2022

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/12/2022

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

SJI

TO

1. THE SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER THE
PREVENTION OF CORRUPTION ACT, 1988,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAJAN R, Advocate (SR-15016[I] dated 16/12/2022)

ORDER
IN
CRL OP(MD) No.22144 of 2022
Date :15/12/2022

USK/SSS/SAR-I/23.12.2022/3P/5C