



Crl.O.P.No.1046 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 120B, 167, 197, 420, 465, 468, 471 of IPC, 13(2) read with Section 13(1)(d) of Prevention of Corruption of Act, in Crime No.5/AC/2022, seek anticipatory bail.

2. The case of prosecution is that the first and the second accused conducted improper field inspection in the villages of Konur, Keelsathambur, Vallipuram, Rasampalayam, Keerambur, Nallagoundampalayam, Periyagoundampalayam and Thindamangalam and failed to mention the actual farmers and technical aspects in the fresh proposal and sent their recommendation report to amend the G.O.(MS.)No.331 Public Works (N1) Department dated 12.10.2007 for removing the villages by including the above eight villages in such G.O., as requested by the Accused No.8. Further alleged in the FIR that the petitioners 1 and 2 and the 8th accused conspired with the petitioners 3 and



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4 and the 5th petitioner to facilitate the 8th Accused to utilize the HT power connection to lift water for the drip irrigation and caused loss to the Government by way of consuming excess electricity power and drawn excess water from the wells which are linked with a canal from Cauvery River. Hence the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocents and nothing to do with the alleged offences and they have been falsely implicated in this case. Further submitted that the petitioners are qualified engineers and they are continuously working in the Water Recource Department without any remarks and allegations and rendering unblemished services. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the first and the second accused conducted improper field inspection in the villages of Konur, Keelsathambur, Vallipuram, Rasampalayam, Keerambur,



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Nallagoundampalayam, Periyagoundampalayam and Thindamangalam and failed to mention the actual farmers and technical aspects in the fresh proposal and sent their recommendation report to amend the G.O.(MS.)No.331 Public Works (N1) Department dated 12.10.2007 for removing the villages by including the above eight villages in such G.O., as requested by the Accused No.8. Further alleged in the FIR that the petitioners 1 and 2 and the 8th accused conspired with the petitioners 3 and 4 and the 5th petitioner to facilitate the 8th Accused to utilize the HT power connection to lift water for the drip irrigation and caused loss to the Government by way of consuming excess electricity power and drawn excess water from the wells which are linked with a canal from Cauvery River. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel as all petitioners are officials, no possibility of absconding, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 on which the order copy made ready, before the learned **Judicial Magistrate No-I, Namakkal** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties (out of which one surety should be a blood surety) each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 petitioners shall report before the respondent police station as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] Each of the petitioners is directed to deposit



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Rs.4,00,000/-(Rupees Four Lakhs Only) to the credit of Crime No.5/AC/2022 without prejudice within a period of three weeks from the date of receipt of copy of this order before the concerned Magistrate.

[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 himself 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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