

**Crl.O.P.No.2939 of 2023****T.V.THAMILSELVI, J.**

The petitioner, who apprehend arrest for the alleged offence under Section 120 (b), 408, 409, 467, 468, 471 and 477(A) of IPC in Cr.No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally five accused in this case and the petitioner is arrayed as A5, he is working as a Regional Superintendent. Further he had paid excess salary to one Selvaraj/A2 for the month of May, June and July 2018 to the tune of Rs.47,292/-. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioner had paid the amount of Rs.78,271/- with interest, fixed by the Deputy Director. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submits that the



petitioner had paid the excess salary to one Selvaraj/A2 for the month of May, June and July 2018 to the tune of Rs.47,292/-. He further submitted that the investigation is at crucial stage and if the petitioner is granted anticipatory bail, there is a possibility that he will tamper the witnesses and hamper the investigation. He also submitted that the petitioner had also paid the amount which was fixed by the Deputy Director with interest. However, he opposed for granting anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.II, Vellore**, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the



learned Magistrate concerned and on further condition that:

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(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 on every Tuesday at 10.30 a.m. for a period of eight months, 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 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 anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs.***



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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.

14.02.2023

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