



Crl.O.P.No.9617 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 120B, 406, 477(A), 408, 409, 467 and 471 of IPC in Crime No.3 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who was the President of the Police Co-operative Society, Vellore, along with other accused, by fabrication of documents and manipulation of records, had misappropriated the society funds to the tune of Rs.1,93,44,780/-. During the course of investigation, it came to light that the accused had repaid an amount of Rs.82,81,840/- and the balance along with the penal interest and surcharge works out Rs.70,92,780/-. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and he has been falsely implicated in this case. He would further submit that other than being the president of the society, the petitioner was not in-charge of the day-to-day affairs of the



society and the entire transactions of the society were carried on by the Secretary of the society. He would further submit that even as per the prosecution, major part of the amount had been repaid and even now, without penalty, the amount remains to be paid is only Rs.40 lakhs. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.10 lakhs to the Account of C 950, Vellore District Police Co-operative Society, District Police Office, Sathuvacharry, Vellore. He would also submit that the entire case of the prosecution is borne out by documents and the custodial interrogation of the petitioner may not be required. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioner, who is the President of the Police Co-operative Society, Vellore, along with the Secretary of the said society, by fabrication of documents and manipulation of records, had misappropriated the society funds to the tune of Rs.1,93,44,780/-. He would also submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.



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WEB COPY 5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and that the petitioner, without prejudice, is ready and willing to deposit a sum of Rs.10 lakhs to the account of the said society, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) directly to the account of "**C 950, Vellore District Police Co-operative Society, District Police Office, Sathuvacharry, Vellore**", without prejudice to his rights and contentions and on such deposit and production of proof before the trial Court, 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



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copy made ready, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 daily at 10.30 a.m., for a period of three weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[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,



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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 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]**;

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

13.06.2023

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