



Crl.O.P.No.10392 of 2023

Crl.O.P.No.10392 of 2023

WEB COPY

K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 409, 420, 477(A) & 120(B) of I.P.C in Crime No.19 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner being the Vice President of Pullavakkam Village Panchayat, Vembakkam Taluk, Thiruvannamalai District and two others viz., (i) Ragothaman, President of Pullavakkam Village Panchayat, Vembakkam Taluk, Thiruvannamalai District & (ii) Sai Baba, Secretary of Abdullapuram Panchayat, Thiruvannamalai District were indulged in misappropriation of a sum of Rs.15,52,944/- by collecting the amount through Cheques from separate EB Payment Account of the Panchayat. Hence, the de-facto complainant viz., K.Rangaswamy, Block Development Officer, Vembakkam lodged a police complaint against the petitioner and those two persons. Based on the complaint given by the de-facto complainant, the respondent Police



Crl.O.P.No.10392 of 2023

registered a case in Crime No.19 of 2016. The petitioner has been arrayed as A2 and the two others viz., Ragothaman & Sai Baba have been arrayed as A1 & A3. Therefore, the petitioner has filed the present petition.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the accused A1 & A3 were arrested, however, they were released on bail. Hence, the learned counsel prays 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 being the Vice President of the Village Panchayat ought to have been sincere in his job, but, without doing so, he colluded with A1 & A3 and misappropriated the Government's fund. So, he vehemently opposed for grant of anticipatory bail to the petitioner.



CrI.O.P.No.10392 of 2023

WEB COPY

5. Considering the above facts and circumstances of the case and also, taking note of the fact that the other two accused viz., A1 & A3 were already enlarged on bail by the Court below, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned Judicial Magistrate Court No.1, Thiruvannamalai, 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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate



CrI.O.P.No.10392 of 2023

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. 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, 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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

mrr

4/5



WEB COPY



CrI.O.P.No.10392 of 2023

K.KUMARESH BABU, J.

mrr

CrI.O.P.No.10392 of 2023

17.05.2023