



Crl.O.P.No.10370 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 406, 417 and 420 of IPC, in Crime No.61 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A-2, A-1 and the de-facto complainant have formed a Trust by name 'Mahatma Educational Trust' in the year 2018. Thereafter, they established a school in the name of 'Mahatma Public School (CBSE)' and maintained a separate Bank accounts for Trust and School. While so, the petitioner and the first accused had formed another Trust by name 'Sri Mahatma Educational Trust' without the knowledge of the de-facto complainant and misappropriated a sum of Rs.1,50,000/- from the accounts of Mahatma Educational Trust and School. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the petitioner is



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the Secretary of the Trust and Treasurer of the School and he does not have any prima-facie role to involve in the act of misappropriation of funds. He further submitted that the accounts of the Trust and School are maintained in a transparent manner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner along with first accused have misappropriated a sum of Rs.1,50,000/- from the accounts of Mahatma Educational Trust and School. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and also taking into consideration the nature of allegations made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)**, to the credit of Crime No.61 of 2023 on the file of learned Judicial Magistrate, Perambalur, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Judicial Magistrate, Perambalur**, 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

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