



Crl.O.P.No.13328 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 167, 468, 471, 477(A) and 409 of IPC and under Section 13(2) r/w 13(1)(a) of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 in Crime No.4 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused was serving as President of Marudur Village Panchayat, Karamadai Panchayat Union, had by fabrication of documents, misappropriated the panchayat money to the tune of Rs.50,00,000/- Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner is an elected President and she had assumed charge from 06.01.2020.

Whereas, prior to the election, the functions of the Panchayat were



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discharged by the Special Officer, during the period commencing from 2016 to 2019 and the alleged misappropriation had taken place during those periods and not during the period of the petitioner. He further submitted that the petitioner is ready to appear for enquiry and the custodial interrogation of the petitioner may not be required. He further submitted that earlier, the petitioner was served notice by the District Collector, Coimbatore on 15.07.2022 and detailed explanation has been given by the petitioner on 18.11.2022 and the same was also accepted. He further submitted that for the same transaction, a case was also filed before this Court in W.A.No.1019 of 2023. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the accused was serving as President of Marudur Village Panchayat, Karamadai Panchayat Union, had by fabrication of documents and misappropriated the panchayat money to the tune of Rs.50,00,000/- under the Mahatma Gandhi National Rural Employment Guarantee Scheme. However, the petitioner is directed to appear for enquiry.



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

6. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before **the Special Judge, Special Court, Trial of cases under the Prevention of Corruption Act, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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:



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[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 everyday at 10.30 a.m., for a period of two weeks, 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 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.

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