



Crl.O.P.No.14175 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 209, 409, 420, 465, 477A, 381 IPC in Crime No. 11 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Principal Sub Judge (F.A.C.), II Additional Sub Judge, Combined Court Complex, Cuddalore, is that the accused who are the Court staffs, Advocate and others, by fabrication of documents, falsification of accounts and also by producing impersonators, have swindled the claim amounts of various claimants in the M.C.O.P. cases. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are unnecessarily dragged in this case on account of mistake committed by the Advocate. He further submit that the petitioner's father one Padmanaban met with an accident and died during the year 2002 and the petitioner along with their mother



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and four others have filed the petition in M.C.O.P.No.826 of 2003 before the Principal Sub Court, Cuddalore for compensation and they have engaged the Advocate one Mr.M.R.Jayasankar, practising at Cuddalore who has been now arrayed as A3. The petitioners were informed by said Jayasankar that the Tribunal has passed the decree and based on that they were paid the amount of Rs.1,50,000/- each, other than that the petitioners was not aware of anything and they have not signed any papers. Later, they came to know that instead of claiming the amount of the petitioners as in MCOP.No.826 of 2003, the Advocate along with other accused had credited the amount in respect of MCOP.No.1826 of 2003 to the petitioners. He further submitted that the petitioners have not committed any offence and without prejudice to their defense they are also ready to repay the excess amount if any paid to their credit.

4. The learned counsel for the petitioners further submit that the entire case of prosecution was borne out by documents and they are ready to appear before the respondent police for investigation and the custodial interrogation of the petitioners may not be required and thereby he seek for anticipatory bail to the petitioners.



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5. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the complaint was given by the learned Principal Sub Judge (F.A.C.), II Additional Sub Judge, Combined Court Complex, Cuddalore, The allegation is that one Gunalan, Bench Clerk Grade-I in collusion with other staff, Advocate and claimants by fabrication of documents and falsification of account swindled several lakhs which are awarded as compensation in various cases. He would further submit that the investigation is still pending. However, the petitioners are claimants in MCOP.No.826 of 2003 pending on the file of the Principal Sub Court, Cuddalore. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Admittedly, the petitioners are stated to be the claimants in MCOP.No.826 of 2003 pending on the file of the defacto complainant. Now, it is stated that the petitioners are ready to refund the excess amount which has been paid to them.

7. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the FIR.



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8. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.2, Cuddalore**, on condition that the petitioners shall execute separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioners and the surety 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 petitioners shall report before the respondent police everyday at 10.30 a.m, for a period of



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one week and thereafter on every Saturday at 10.30 a.m,
until further orders.

[c] the petitioners shall not tamper with evidence
or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance
with law as if the conditions have been imposed and the
petitioners 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.

10. However, the petitioners at the time of
surrender before the learned Magistrate shall file an
affidavit of undertaking stating that they are ready to repay
the excess amount which has been paid to them.

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