



Crl.O.P.No.18046 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 403, 420 of IPC in Crime No.25 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Thamilmullai was working as Special Tahsildar for social welfare scheme, who laid a complaint before the Respondent police stating that from 16.09.2022, he is working in the schemes of social welfare viz., old age pension, widow pension, including monthly helping scheme to the beneficiaries. On audit, it was found that one Pavithra was received a sum of Rs.23,39,861/- through her bank account in Indian Bank bearing No.6188 751233, when she asked to return the said amount, the same was refused by her. The Petitioner herein is the Father of the said Pavithra. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that he is weaver by profession and father of Pavithra. As per the confession statement given by his daughter that the amount was given to her Father, a case was registered under Section 403 & 420 of IPC and the Respondent Police searching the Petitioner. The Petitioner is an innocent person and his name is not in the FIR. Hence, the learned counsel for the Petitioner prays for grant of



anticipatory bail to the Petitioner.

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4.The learned Government Advocate (Crl. Side) for the Respondent would submit that at the time of arrest of the daughter of the Petitioner, who is arrayed as A1, a sum of Rs.13,00,000/- has been recovered from her, during the bail proceedings of A1, she has deposited a sum of Rs.7,00,000/-, the Respondent Police also seized the amount in the bank account to the extent of Rs.2,50,000/-. He is vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offence and the amount so far recovered, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate IV, Salem** on condition that the Petitioner shall execute a separate 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



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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, on everyday at 10.30 am for a period of three weeks and thereafter as and when required;

[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 Petitioners 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.

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