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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 10/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

**CRL OP(MD) . No.588 of 2023**

Paramasivam

... Petitioner/Accused No.2

**Vs.**

The State rep. by  
The Inspector of Police,  
Vigilance & Anti Corruption Wing,  
Madurai.  
Crime No.12 of 2020

... Respondent/Complainant

For Petitioner : Mr.G.Sakthi

For Respondent : Mr.K.Sanjay Gandhi  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 109, 120(B), 406, 409, 418, 467, 468, 471 and Section 13(2) r/2 13(1)(c) & (d) of Prevention of Corruption Act, 1988 I.P.C, in Crime No.12 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had created bogus records and false bills and thereby misappropriated the government funds. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated

<https://www.mhc.tn.gov.in/judis>



in this case. He would further submit that the petitioner is bound to abide by any condition imposed by this Court. Hence, he prays 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 other accused persons misappropriated the Government funds. He also submitted that the investigation is over and Charge Sheet has been filed in S.C.No.01 of 2023 before the Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Madurai.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the facts and circumstances of the case and also considering the fact that charge sheet has been filed before the concerned court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act Madurai**, 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.

[b] the petitioner shall report before the respondent Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter, appear before the concerned court as and when the summons are received by him;

[c] the petitioner shall not tamper with the 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]**; and;



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

sd/-  
10/01/2023

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

CM

To,

1. The Special Judge,  
Special Court for Trial of Cases under Prevention of Corruption Act,  
Madurai

2. The Inspector of Police,  
Vigilance & Anti Corruption Wing,  
Madurai.

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SAKTHI.G ---, Advocate ( SR-526[I] dated 11/01/2023 )

ORDER

IN

**CRL OP(MD) No.588 of 2023**

Date : 10/01/2023

TR/MMS/SAR-II(24.01.2023) 3P 5C