



Crl.O.P.No.28725 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(5), 336(2), 336(3) and 340(2) of BNS, 2023 in Crime No.377 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, as per the defacto complainant one Samyuktha, working as an Officer in the office at Child Development Project Office, Salem, lodged a complaint with the respondent police, stating that the petitioner, who is working as a Junior Assistant, had involved in misappropriation of Government money to the tune of Rs.26,00,435/- to his account and also created forged and fake payment challan for the same. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the case. He also further submitted that the petitioner had acted based on the instruction given by the Higher Officials in the said project and further the fake challan was

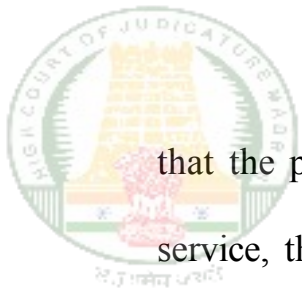


also given by the same Authority. He also further submit that the shortage of amount to the tune of Rs.18,99,403/- was also paid by the petitioner and other staff and the petitioner has been suspended and he has no previous case. He also submitted that the petitioner is ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for the grant of anticipatory bail to the petitioner, submitted that the petitioner had misappropriated the Government money to the tune of Rs.26,00,435/- and also issued fake challan. He would further submit that there is no previous case as against the petitioner and the investigation is pending.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact



that the petitioner has no previous case and he has been suspended from the service, 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-I, Attur** 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 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 everyday at 10:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders.



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[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 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 269 of B.N.S.

19.11.2024

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