



CRL OP(MD)No.11307 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 24.07.2024

PRESENT

The Hon`ble **MR.JUSTICE AA.NAKKIRAN**

CRL OP(MD)No.11307 of 2024

Balasubramaniyan

... Petitioner/3rd Accused

Vs

The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli.
(Cr.No.06 of 2024)

... Respondent/Complainant

For Petitioner : Mr.T.Selvan, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.06 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 167, 409, 465, 468, 471(A)



CRL OP(MD)No.11307 of 2024

IPC r/w Section 13(2) r/w 13(1)(a) of the Prevention of Corruption (Amendment)

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Act 2018 in Cr.No.06 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons colluded together and without maintaining measurement book records misappropriated a sum of Rs.5,07,298/- from the General Fund Account of Kasthuriengapuram village panchayat during the year 2021 and thereby, caused loss to the government exchequer. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent submits that some portion of the amount was repaid by the accused.

5.Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner.



CRL OP(MD)No.11307 of 2024

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6. Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the learned Special Judge, Special Court for trial under PC Act, Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 respondent Police on every Saturday at 10.30 am., until further orders;

(c) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.06 of 2024 before the learned Special Judge, Special Court for trial under PC Act, Tirunelveli.



CRL OP(MD)No.11307 of 2024

WEB COPY

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/07/2024

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/08/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



CRL OP(MD)No.11307 of 2024

TO
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- 1 THE SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL UNDER PC ACT,
TIRUNELVELI.
 - 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION
TIRUNELVELI.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.T.SELVAN, Advocate (SR-8525[I] dated 24/07/2024)

ORDER
IN
CRL OP(MD) No.11307 of 2024
Date :24/07/2024

SS/GS/SAR- /01/08/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023