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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP Nos.392, 399 & 427 of 2025

K. Pushpalatha — Petitioners(s) (in Crl.OP.No.392/2025)

Partheeban — Petitioners(s) (in Crl.OP.No.399/2025)

M.A.Chengiskhan — Petitioners(s) (in Crl.OP.No.427/2025)

Vs.

The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Thiruvannamalai. (Crime No.13 of 2024) — Respondent(s)

For petitioners(s): Mr. B. Nedunchezhiyan in Crl.O.P.392 of 2025
: Mr. K. Althaf Sheriff in Crl.O.P.399 of 2025
: Ms. V. Karthigaipriya in Crl.O.P.427 of 2025

For Respondent(s): Mr. S. Santhosh, Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 109 of I.P.C., r/w Sections 167, 477A, & 409 of the Indian Penal Code, 1860, and Sections 13(2) r/w 13(1)(C) of Vigilance and Anti-Corruption Act, 1988, in Crime No.13 of 2024, on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution, as per the de-facto complainant, is that the accused/Pushpalatha (A1) and Chengiskhan (A3), who were working as District Manager, and Partheeban (A2), who was working as Assistant Manager in TASMAC, Thiruvannamalai, had misappropriated the TASMAC shop's daily collection over the period from July 2016 to March 2018, amounting to Rs.46 Lakhs. Hence, this case.

3. Learned counsel for the petitioners submits that the alleged occurrence happened during the period from July 2016 to March 2018. The would further submit that there have been various developments in the TASMAC audit, and due to shortage of funds, a false case has been foisted against the petitioners. The responsibility is now attempted to be fixed on the petitioners. She also submits that the accused/Partheeban (A3), was only a Assistant Manager of the shop and has been falsely implicated in this case and the responsibility is being fixed on him due to shortage of funds. Therefore, she prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioners. He stated that there are totally three accused in this case. The accused/A1 & A3 were District Managers of TASMAC, Tiruvannamalai, and misappropriated an amount of Rs.46 Lakhs from the shop's daily collection during the period of July 2016 to March 2018. The investigation is going on. There are no previous

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cases pending against these petitioners.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police and having perused the materials available on record, this Court takes into consideration the facts and circumstances of the case, and considering the fact that the petitioners have no previous cases pending against them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and 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 of receipt of a copy of this order, before the learned **Chief Judicial Magistrate and Special Judge, Chief Judicial Magistrate Court for Trial or Cases under PC Act, Tiruvannamalai,** on condition that the petitioners shall execute 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 said Magistrate, on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners 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

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pass Book to ensure their identity;

[c] the petitioners shall report before the respondent Police on everyday at 10:30 A.M., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

[e] the petitioners shall not abscond either during the investigation or during the trial;

[f] 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 were 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]

[g] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

28.01.2025

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To

The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Thiruvannamalai. (Crime No.13 of 2024)

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A.D. JAGADISH CHANDIRA, J.

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