



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

Thursday, the Twenty Fifth day of June Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.10724 of 2015

S.JOSEPH MARY

... PETITIONER/ACCUSED NO.12

Vs

THE SUB INSPECTOR OF POLICE
CCIW CID POLICE STATION,
RAMANATHAPURAM, CR.NO.1 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. G. THIAGARAJAN Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.12 in Crime No.01 of 2015 on the file of the respondent police apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 403, 406, 408, 420, 468, 477(A), 120(B) r/w 34 IPC and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused conspired themselves and misappropriated the amount of Rs.35,78,205/- in Pookulam Primary Agricultural Co-operative Society.

3.The learned counsel for the petitioner has submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner was functioning as a Manager in Ramanathapuram District Central Co-operative Bank; that 1539 applications were received seeking benefits of crop insurance and the scrutiny committee consisting of officials from Co-operative society, Agricultural and Revenue Departments selected 1302 applicants as beneficiaries. The selected candidates list was also sent to the District Collector for his approval and only thereafter, the society has issued cheque in the name of beneficiaries, who were holding account in the central co-operative bank.

4. The learned counsel for the petitioner further submitted that it is the duty of the petitioner to honour the cheque and there is no necessity to verify the *bona fides* of the beneficiaries. He would also submit that the alleged occurrence is said to have taken place on four days i.e. from 25.05.2011 to 28.05.2011 and the petitioner worked as a manager only on 25.05.2011 and she was on leave for other days. The persons who were functioning all those days were not included as accused. He would also submit that as per the case of the prosecution, the beneficiaries are not eligible for the crop insurance and that they were selected based on the certificates issued by the



Village Administrative Officer and they have played main role and the petitioner is nothing to do with the alleged offence.

5. The learned Government Advocate (Crl. side) has filed counter affidavit of the respondent and would submit that the accused have misappropriated a huge amount of Rs.35,78,205/- and the petitioner had ought to have verified the beneficiaries with the relevant documents and it is a clear case of dereliction of duty. He would further submit that the accused Nos. 6, 8, 17 and 18 were already arrested and released on bail and the petitioner's earlier applications were dismissed and there is no change of circumstances.

6. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate No. I, Ramanathapuram on her executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
25/06/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO. I, RAMANATHAPURAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
3. THE SUB INSPECTOR OF POLICE
CCIW CID POLICE STATION, RAMANATHAPURAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. G. THIAGARAJAN Advocate SR.No. 34081

SR/PRV : 30.06.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.10724 of 2015
Date : 25/06/2015