



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

Thursday, the Ninth day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10924 of 2015

P. SIVAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
CCIW KARUR,
KARUR DISTRICT
(CRIME NO.3/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.AJMAL KHAN, Senior Counsel '
for M/S. AJMAL ASSOCIATES Advocate
For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

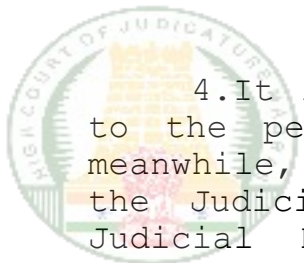
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 403, 406, 408, 420, 468 and 477 (A) of IPC, in Crime No.3 of 2014 on the file of the respondent and hence, seeks anticipatory bail.

2.The case of the prosecution is that while petitioner was working as Secretary in the Keelaveliyur Primary Agricultural Cooperative Credit Society, he misappropriated Rs.77 Lakhs.

3.Mr.M.Ajmal Khan, learned Senior counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution; that the case was registered, based on the complaint given by the Deputy Registrar of Cooperative Society, after conducting enquiry under section 81 of the Co-operative Societies Act; that the allegation against the petitioner is that he advanced loan amount without proper entry and based on the bogus documents and misappropriated amount by falsification of accounts. The learned Senior counsel further submitted that the petitioner sold a property and deposited more than 48,00,000/- and the de-facto complainant has also attached the property of the petitioner worth of Rs.1.5 crores.



4.It is further contended that the respondent issued a summon to the petitioner for his appearance on 14.06.2015 and in the meanwhile, he was arrested on 11.06.2015 and he was produced before the Judicial Magistrate No.2, Kulithalai, however, the learned Judicial Magistrate rejected the remand report and set the petitioner at liberty and also directed the respondent police not to arrest the petitioner till 14.06.2015. The learned counsel further submitted that enquiry was already over and custodial interrogation of the petitioner is totally unwarranted in this case.

5.The learned Government Advocate (Criminal side) filed a counter opposing grant of anticipatory bail stating that this court has considered the gravity of offence and dismissed the earlier anticipatory bail petition on 20.01.2015 observing that if anticipatory bail is granted in such cases of this nature, it will give very wrong signal to the society and it would amount to condone such acts of dishonest activities of the public servant. It is further contended that the petitioner has committed grave offence and hence, he is not entitled for anticipatory bail.

6.Considering the gravity of the offence, this court was not inclined to grant anticipatory bail to the petitioner and dismissed the earlier anticipatory bail petition on 20.01.2015 and I do not find any change of circumstances to consider this petition now. Hence, this petition is dismissed.

sd/-
09/07/2015

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

TO

1.THE JUDICIAL MAGISTRATE NO.2, KULITHALAI
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4.THE INSPECTOR OF POLICE
CCIW KARUR, KARUR DISTRICT
RL/5C - 14/7/2015

ORDER
IN
CRL OP(MD) No.10924 of 2015
Date :09/07/2015