



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

Tuesday, the Thirteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17593 of 2015

KUMARASAMY

... PETITIONER / ACCUSED NO.27

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

CCIW CID POLICE STATION, RAMANATHAPURAM

DISTRICT. CR. NO. 1 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.MALAIKANI Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

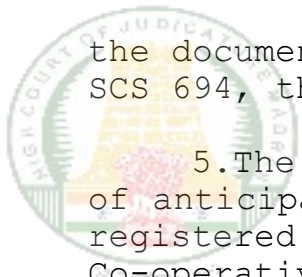
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A27 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 403, 406, 408, 420, 468, 477(A) and 120-B IPC /w section 34 of IPC, in Crime No.1 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that Pookulam Primary Agriculture Co-operative Credit Society implemented crop insurance for 2009-2010, in which the accused persons committed fraud and misappropriated a sum of Rs.35,78,205/-. The allegation against the petitioner is that when he was working as Village Administrative Officer at the relevant time, issued bogus certificate to ineligible persons and with the aid of the certificates, the other accused have caused loss to the said society.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. The learned counsel further submitted that the occurrence was said to have taken place in between 2009-2010, which came to light in the year 2010 and the enquiry was concluded after three years and the case was registered in the year 2015.

4.It is further submitted that the petitioner was appearing for enquiry before the respondent police and cooperated with the investigation and that the allegation against the petitioner that he had issued false certificates to the other accused, was not accepted in the departmental enquiry conducted by the Revenue Divisional Officer. It is further submitted that the entire case relies upon



the documentary evidence and as per the decision reported in 2011(1) SCS 694, the petitioner can be granted anticipatory bail.

5.The respondent has filed a counter affidavit objecting grant of anticipatory bail to the petitioner contending that the case was registered based on the complaint made by the District Registrar of Co-operative Societies for the fraud committed in the Crop Insurance Scheme for the year 2009-2010 and the investigation reveals that the petitioner had criminal conspiracy with the other accused by issuing false documents and caused wrongful loss to the Pookulam Primary Co-operative Society to the tune of Rs.35,78,205/- .

6.The learned Government Advocate (Criminal side) submitted that the petitioner, during the relevant period, was working as Village Administrative Officer, had recommended the ineligible persons for getting insurance money by issuing false Andgal certificates and the earlier applications of this petitioner were dismissed only recently and now, there is no change of circumstances for the consideration of the application of the petitioner.

7.It is settled laws that while granting anticipatory bail, the court has to consider the nature and gravity of the offence made against the accused. This court, considering the nature of allegations made against the petitioner dismissed the earlier applications of this petitioner in Crl.O.P(MD)Nos.7926 of 2015 and 11815 of 2015 observing that he is not entitled for anticipatory bail.

8.In the above facts, I do not find any reason to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
13/10/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
CCIW CID POLICE STATION, RAMANATHAPURAM DISTRICT.

2 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.MALAIKANI Advocate SR.No.60582

ORDER
IN
CRL OP(MD) No.17593 of 2015
Date :13/10/2015