



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

Thursday, the Tenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22821 of 2015

P.SIVAKUAMR

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
CCIW KARUR, KARUR DISTRICT.
CR. NO. 3/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S AJMAL ASSOCIATES Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)

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

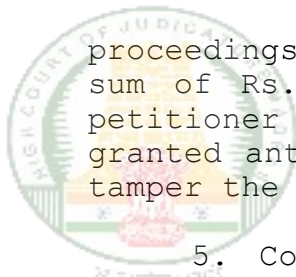
ORDER : The Court Made the following order :-

The petitioner, who is the 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 police and hence, seeks anticipatory bail.

2. The case of the prosecution is that while the petitioner was working as the Secretary of Keelaveliyur Primary Agricultural Co-operative Credit Society, from 01.04.2011 to 18.06.2013, advanced loans to various persons, including the agriculturists, over and above the credit limit and caused a loss to the tune of Rs.72,55,536.50/-. On the complaint given by the Deputy Registrar, Co-operative Societies, Kulithalai, a case has been registered against the petitioner.

3. The learned Senior Counsel appearing for the petitioner submitted that since the petitioner was the only employee, working in the Co-operative Society, at that time, the entire alleged offence has been attributed to him, due to lack of staff and it is purely an administrative error. He further submitted that proceedings under Section 81 of the Tamil Nadu Co-operative Society Act, has already been initiated by the authority and the same is pending. It is further stated that a sum of Rs.48,00,000/- has already been remitted and the property of the petitioner worth about Rs.1,50,00,000/- was attached by the authority. He further submitted that the nature of offence alleged can be borne out only on the basis of the documents and therefore, custodial interrogation of the petitioner is not necessary.

4. The learned Government Advocate (Crl. Side) filed a counter affidavit and stated that the petitioner while working as the Secretary of the Society, caused a loss to the tune of Rs.72,55,536.50/-, by ~~https://hcservices.courts.gov.in/hcservices/~~ to various persons, over and above the credit limit and that the de facto complainant initiated surcharge proceedings and pendency of the said proceedings, is not a bar for initiating criminal



proceedings. He further submitted that the petitioner has only remitted a sum of Rs.43,00,000/- to the authority. He further contended that the petitioner is absconding for more than 12 months and if the petitioner is granted anticipatory bail, he will not co-operate for Police enquiry and tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that surcharge proceedings are initiated and the same is pending and that part payment has been made by the petitioner and also the fact that the property of the petitioner has already been attached by the authority, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-I, Kulithalai and on his 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.

6. 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/-
10/12/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE
KULITHALAI.
2. THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT
3. THE INSPECTOR OF POLICE
CCIW KARUR, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S AJMAL ASSOCIATES Advocate SR.No.71000

ORDER
IN
CRL OP(MD) No.22821 of 2015
Date :10/12/2015

trp
SH/GSV-AN/SAR-I:14.12.2015:2P/6C