



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

Wednesday, the Sixteenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23915 of 2015

AROCKIYASAMY

... PETITIONER / ACCUSED-1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
(CRIME NO. 58 / 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S VEERA KATHIRAVAN Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 07.12.2015 for the alleged offences punishable under Sections 406, 464, 487, 420 and 120(b) of the Indian Penal Code in Crime No.58 of 2014 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused, who are the President and Vice President, operated a separate unauthorized bank account and misappropriated a sum of Rs.35,00,000/- and caused loss to the Panchayat and subsequently, a case has been registered against the petitioner and other accused.

3. The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged in the prosecution. He was working as an Assistant at the office of the Assistant Director (village Panchayat), Sivagangai at that time and there is no allegation of misappropriation by the petitioner. On the other hand, the allegation is that he assisted accused Nos.2 and 3 for misappropriation and now, he is working as a Deputy Block Development Officer and subsequently, he was suspended from service. Earlier, the petitioner filed anticipatory bail petition in Crl.O.P(MD)No.23612 of 2014 and this Court dismissed the same on 29.01.2015 and he has filed another anticipatory bail petition in Crl.O.P(MD)No.11217 of 2015 and this Court by an order dated 18.08.2015, directed the petitioner to deposit a sum of Rs.5,00,000/- before the concerned Magistrate. He has filed third anticipatory bail petition in Crl.O.P(MD)No.22952 of 2015 and the same was dismissed as withdrawn on 19.08.2015. Subsequently, the petitioner surrendered before the respondent Police on 07.12.2015.

4. The learned counsel appearing for the petitioner submitted that the other accused A2 and A3, who are the President and Vice President, have misappropriated the amount and they have filed anticipatory bail petition before the Court below and the Court below granted anticipatory bail on condition that the petitioners depositing a sum of Rs.6,00,000/-. However, subsequently the anticipatory bail was cancelled on the ground of suppression of facts and hence, they filed anticipatory bail petition in Crl.O.P(MD)No.8624 of 2015 before this Court and this Court while granting anticipatory bail, directed A2 and A3 to deposit a sum of Rs.2,00,000/- each.

5. The learned Government Advocate (Criminal Side) submitted that the petitioner actively involved and he assisted A2 and A3 for misappropriating to the tune of Rs.35,00,000/- and caused loss to the Panchayat and investigation is pending.

6. Considering the fact that the charges against the petitioner is that he assisted A2 and A3, who are the President and Vice President, to misappropriate the amount and already A2 and A3 were granted anticipatory bail and the petitioner is in judicial custody from 07.12.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate No.1, Sivagangai and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-
16/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, SIVAGANGAI
- 2 DO THRO THE CHEIF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.
- 5 THE ADDITONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S VEERA KATHIRAVAN Advocate SR.No.71933.

ORDER
IN
CRL OP(MD) No.23915 of 2015
Date :16/12/2015