



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

Wednesday, the Twenty Eighth day of January Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

WEB COPY

CRL OP(MD) Nos.23824, 23835, 23841, 23845 & 23849 of 2014

VEERAMANI	...	PETITIONER/3RD ACCUSED IN CRL.OP(MD)NO.23824/14
SELVARAJ	...	PETITIONER/3RD ACCUSED IN CRL.OP(MD)NO.23835/14
THIRAVIYAKUMAR	...	PETITIONER/5TH ACCUSED IN CRL.OP(MD)NO.23841/14
VEERAPATHIRAN	...	PETITIONER/2ND ACCUSED IN CRL.OP(MD)NO.23845/14
MURUGAN	...	PETITIONER/4TH ACCUSED IN CRL.OP(MD)NO.23849/14

Vs

THE INSPECTOR OF POLICE
CCIW, CID, TIRUNELVELI
CR.NO.1 OF 2014

... RESPONDENT/COMPLAINANT IN ALL THE PETITIONS

FOR PETITIONER : M/S.K.R.LAXMAN ADVOCATE IN ALL THE PETITIONS

FOR RESPONDENT : MR.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR,
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

On 20.01.2015 this Court has passed the following orders;

"The petitioners who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 408, 409, 467, 468, 471, 477(A), 420 r/w 204 and 34 IPC in Crime No.1 of 2014 on the file of the respondent Police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing for the State.

3.The case of the prosecution is that all these petitioners were at some point of time or the other were Special Officers of Donavoor Primary Agricultural Co-operative Society. One Kannan Mohan was working as a Writer in the said Society. It is alleged that when a member of the Society makes application for loan, the loan papers would be processed by the said Kannan Mohan and ultimately be sent to the Special Officers for sanction. On the recommendation of his subordinate, the Special Officers herein appear to have sanctioned loans during their tenure to various beneficiaries. After the sanction of loan, actual disbursement of the loan will be done by Kannan Mohan. It is also alleged that Kannan Mohan had misappropriated sanctioned amount without actually disbursing them to the beneficiaries by manipulating



records. By this method, he has embezzled around Rs.25 lakhs. Kannan Mohan has been arrested and remanded to custody.

4.Now it is to be seen whether there was any complicity between Kannan Mohan and these petitioners in embezzlement. Therefore, learned Government Advocate (Crl. side) is directed to get the confession statement of Kannan Mohan.

5.List these matters on 28.01.2015 under the caption "For Orders".

2.Today, the confession statement of Kannan Mohan is produced before this Court. On a careful reading of the confession statement of Kannan Mohan, it reveals that he does not say that he had connived with these petitioners in releasing loan and in misappropriating money. The allegation against these petitioners appears *prima facie* to be dereliction of duty in sanctioning loan. Now the Police also completed the investigation and filed final report. These petitioners are also working in the department and they have not been suspended. Hence, this Court is of the view that the custodial interrogation of these petitioners may not be required.

3.Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tirunelveli, on condition that each of them shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

4.Whatever stated above is only for deciding these anticipatory bail petitions and the same shall not be construed as a decision on the merits of the case and the trial Court shall proceed with the case uninfluenced by any observation made by me.

sd/-

28/01/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.

2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE, CCIW, CID, TIRUNELVELI

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

+5. CCS to M/S.K.R.LAXMAN Advocate SR.No.3970 TO 3974

SR : 30.01.2015 : 3P/10C

ORDER IN

CRL OP(MD) Nos.23824, 23835, 23841,
23845 & 23849 of 2014

Date :28/01/2015