



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

Thursday, the Seventh day of May Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.7926 of 2015

KUMARASAMY

... PETITIONER/ACCUSED NO.27

Vs

THE INSPECTOR OF POLICE  
CCIW CID POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
CR. NO.1/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MALAISKANI, FOR  
MR.R.ALAGUMANI, Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who 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 r/w Section 34 IPC in Crime No.1 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. The respondent has filed a counter strongly opposing the grant of anticipatory bail to this petitioner. The facts of the case at best has been narrated in Paragraph Nos.2 to 5 of the counter as follows:

"2. I submit that, the prosecution case is that on the basis of complaint made by the Deputy Registrar Co-operative a case was registered in Cr.No.1/2015 Under Sections 403, 406, 408, 420, 468, 477(A) and 120(b) r/w 34 of IPC in connection with frauds committed in the Corp Insurance Scheme for the year 2009-2010 held by the Pookulam Primary Agriculture Co-operative Credit Society by the accused persons.

3. I humbly submit that after registering the case the respondent police enquired the prosecution witnesses and perused the documents and came to know that the petitioner herein criminally conspired with other accused persons and committed the offence. And further the respondent police came to know that the accused persons occurred huge loss i.e., to the tune of Rs.35,78,205/- to the Pookulam Primary Agriculture Co-operative Credit Society.



4. I humbly submit that the Petitioner herein is the retired Village Administrative Officer, Oruvanendal Group. He submitted that false 10(1) Adangal which was used for getting loan amount in Rs.3,07,515/- from the Pookulam Primary Agricultural Co-operative Credit Society with assistance of other accused persons.

5. I humbly submit that the Petitioner herein recommended the ineligible persons for getting Loan by forgery 10(1) Adangal. Further this scheme was only eligible for the agricultural lands i.e., paddy harvesting but the petitioner herein colluded and recommended the accused persons who possessed non paddy lands i.e., who did chilli harvesting."

4. Mr.S.Malaikani, learned counsel for Mr.R.Alagumani, learned counsel for the petitioner submitted that the petitioner is innocent and has retired from service. He also submitted that the petitioner was exonerated in the departmental proceedings. This Court is of the view that just because a person has been exonerated from the departmental proceedings, criminal proceedings against him cannot abate and the allegation against the petitioner is very serious. The petitioner, as Village Administrative Officer, had issued bogus Adangal Certificates to certain ineligible persons, based on which they have obtained huge financial benefits from the Government, which otherwise they would not have been entitled to.

5. Taking into consideration the serious nature of allegation against this petitioner, this Court is of the view that custodial interrogation of the petitioner is necessary. Hence, the Criminal Original Petition is dismissed.

sd/-  
07/05/2015

/ 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 ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SR/SJW : 12.05.2015 : 2P/3C

ORDER  
IN  
CRL OP(MD) No.7926 of 2015  
Date :07/05/2015