

CRL.O.P.No.11014 of 2016**S.VAIDYANATHAN, J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 468, 471, 477(A) and 120(B) of IPC in Crime No.1 of 2016 on the file of the respondent police, the petitioner have come forward with this petition seeking anticipatory bail.

2. The learned counsel for the petitioner submitted that he is only a jewel appraiser and that apart, he has not committed any offence, much less, stated by the prosecution. It is submitted that there are totally 4 accused and that A3 is a Manager and A4 is a cashier, who have committed the offence and unnecessarily the petitioner has been implicated as A2. He further submitted that there was a proceeding by the Deputy Registrar of Co-operative Societies in CEP No.50/2015-16, dated 09.12.2015 which was questioned before this Court and Writ Petition in W.P.No.3449 of 2016 was disposed of by passing observation as follows :

“5. There is nothing on record to show as to what happened after 15.12.2015, since the first petitioner was granted time to furnish security upto 15.12.2015. If already attachment has been effected on account of non furnishing of security, then the petitioners have to challenge the subsequent proceedings before the appropriate forum. However, in the event, the first respondent is yet to take a decision in the matter pursuant to the impugned notice, liberty is granted to the first petitioner to file his objections in writing, within a period of ten days from the date of receipt of a copy of this Order and on receipt of the same, the first respondent shall pass a reasoned order after considering the representation.

6. As observed earlier, if already attachments were effected, petitioners are at liberty to challenge the same before the appropriate forum. It is made clear that in the event the property has not been attached and the petitioners exercise the option given by this Court in this order by submitting a representation, till orders are passed, the first respondent should not alienate or encumber the property in question.”

3. The prosecution submitted that one Kumarasamy, Co-operative Sub Registrar conducted enquiry wherein the A1 colluded with A2 to A4 to obtain jewel loan of Rs.6,80,000/- by pledging fake jewels. Based on the complaint given by the Deputy registrar, a case has been registered and A3 and A4 were arrested on 09.05.2016 and they have been produced before the Judicial Magistrate No.1, Cuddalore and remanded to judicial custody. A1 and A2 are still absconding. He drew our attention to para 9 of the counter, which reads as follows :

“9. It is submitted that the investigation reveals that the accused - Mohandoss [A-1], who is a member of Central Co-operative Society, Semmandalam Branch, Cuddalore, colluded with the accused Ravichandran [A-2], who is Appraiser of the above said Society, Ramesh [A-3], who is Branch Manager of the said Society and Somansundaram [A4], who is Cashier of the said society in order to obtain jewel loan for Rs.6,80,000/- by way of pledged fake jewels. The petitioner/accused [A-2] without verification the jewels, he has given good quality Certificate of jewel to A-1. Further, A-3 & A-4 have not verified the jewels and also issued the jewel loan for Rs.6,80,000/- to A-1. Thereby, the accused [A1 to A4] caused the loss of Rs.6,80,000/- the said Society funds and the same was swindled by them.”

4. The petitioner has filed an undertaking that he will not encumber the property and para 5 of the Affidavit filed on 20.06.2016 is also extracted below :

“I also swear and state that I will not create any encumbrance over my property I undertake not alienate the property without the permission of the court.”

5. The property of the wife of the petitioner has been attached and it has been categorically stated and admitted in the writ petition. Taking note of the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Cuddalore, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five Thousand Only) with two sureties, out of which one surety must be a Government servant, each for a like sum to the to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned and on further conditions that:

[a] As admitted by the petitioner, the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of Crime No.2 of 2016 before the said Magistrate within a period of two weeks from the date of receipt of a copy of this Order.

[b] the petitioner shall appear before the respondent police daily twice at 10.30 a.m. and 5.30 p.m. until further orders.

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

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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]**.

7. The investigating Officer, in these type of cases, will have to investigate the matter without procrastination.

22.06.2016

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