

CRL.O.P.No.13219 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 408 IPC in Crime No.4 of 2015 on the file of the respondent police, the petitioner has come forward with this Anticipatory Bail Petition.

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

3. Petitioner is arrayed as A8. It is the case of the prosecution that he is working as a Supervisor in Coimbatore District Central Co-operative Bank, Tiruppur District and he failed in finding the misappropriation done by the employees of Kongalnagaram Agriculture credit Society.

4. It is the case of the petitioner that he is innocent and has been falsely implicated in the case. He would further submit that in fact, the 1st accused has repaid Rs.2,72,00,000/- to the Central Bank.

5. Learned Government Advocate (Crl. Side) submitted that the petitioner is a staff in the Cooperative Bank. A2 is the Secretary in the Primary Agricultural Cooperative Society. It is alleged that this petitioner with the connivance of other accused have re pledged the jewels that was pledged with the said Bank by its customers for obtaining loan amount, by which, they have misappropriated Rs.2 crores and 42 lakhs. Further he would submit that enquiry has been conducted under Section 81 of the Cooperative Societies Act.

6. In reply, learned counsel for petitioner submitted that the entire misappropriated amount was paid by A1 into the account of Society.

7. Taking note of the fact that the petitioner and others including A1 have been found guilty and responsible for the misappropriation of amount to the tune of Rs.2,72,00,000/- and after proceedings initiated

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under Section 81 of Cooperative Societies Act, the entire amount has been paid by A1 which has been admitted by the learned Public prosecutor before the Principal District and Sessions Judge, Coimbatore, who has incorporated the same in the order dated 15.10.2015 in Crl.M.P.No.2873 of 2015 dated 15.10.2015, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.IV, Coimbatore, subject to the following conditions:**

(i) the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees ten thousand only) each 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 Magistrate concerned;

(ii) the petitioner shall report before the respondent police daily at **10.30 a.m.**, for a period of **two weeks and thereafter as and when required for interrogation.**

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the 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]**.

4.7.2016

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