



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

Monday, the Twenty Fifth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.23135 of 2015

J. MADHAVAN

... PETITIONER / ACCUSED -1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
C.C.I.W., C.I.D.,
THENI, THENI DISTRICT.
(CRIME NO. 3 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.SATHISH BABU Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the first accused in Crime No.3 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 468, 471, 477-A of IPC r/w 109 of IPC and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner while working as Assistant cum Manager(in-charge) of Madurai District Central Co-operative Bank, Uthamapalayam, sanctioned loan to the ineligible persons contrary to the guidelines and on forged documents and thereby caused loss to the society nearly Rs.15,66,817/- and an enquiry has been conducted under Section 81 of Tamilnadu Co-operative Societies Act and surcharge proceedings has been initiated and on compliant, the case has been registered.

3. The case of the petitioner is that the petitioner is innocent and the petitioner has not committed any offence as alleged by the prosecution. He sanctioned loan only as per the guidelines and recommendation of higher officials. The petitioner was permitted to retire on 30.07.2011 and final order has been passed in the surcharge proceedings on 29.04.2014 and petitioner filed Civil Miscellaneous Appeal challenging surcharge proceedings.

4. The learned counsel for the petitioner submitted that while the petitioner was in service he was kept under suspension and therefore he could not take steps to recover the amounts from the members and the successor did not properly take steps to recover the



amounts. The proceedings were initiated against all the borrowers and investigation is already over.

5. The learned Government Advocate submitted that the petitioner sanctioned loan to the ineligible persons and caused loss to the tune of Rs.15,66,817/- and the amount is not recovered and investigation is pending.

6. On a perusal of records it is seen that an enquiry has been initiated and completed under Section 81 of the Co-operative Society Act and final order was passed under Section 87 of the said Act on 29.04.2014 and petitioner was permitted to retire.

7. Considering the facts and circumstances of the case, custodial interrogation of the petitioner is not required. In the circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.3, Madurai, and on 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
25/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.3, MADURAI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
C.C.I.W., C.I.D., THENI, THENI DISTRICT.

+1. CC to M/S N.SATHISH BABU Advocate SR.No.4427