



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

Thursday, the Twenty First day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP (MD) No.5589 of 2016

A.V.C. MOHAN

... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT,
MADURAI-625 007.
CRIME NO. 62/2015.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.RADHAKRISHNAN , Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

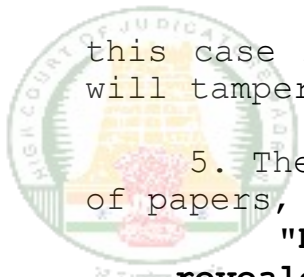
The petitioner, who is arrayed as A1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120-b, 409, 468, 471 and 420 IPC, in Crime No.62 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A-1, in collusion with one Chandran-A-2, granted sugarcane tie-up loans to 40 sugarcane farmers who produced the fake land documents with signature of the officer-in-charge of National Co-operative Sugar Mills Limited.

3. The learned counsel for the petitioner submitted that the petitioner sanctioned agricultural loans to the sugarcane farmers on reimbursement from the National Sugar Mills Limited on tie-up arrangements. The petitioner granted 64 agricultural sugarcane loans to the farmers, who were having tie-up arrangements with the National Sugar Mills Limited, without verifying the documents. He further submitted that the Indian Overseas Bank completed the enquiry against the petitioner and came to a conclusion that the petitioner had not committed any offence as alleged by the prosecution and it is only a procedural lapse which was due to insufficient staff strength. Therefore, the learned counsel prays for an order of anticipatory bail in favour of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Heard the learned Government Advocate (Crl.side) appearing for the State. He would submit that the investigation in



this case is pending and if the petitioner is released on bail, he will tamper the witnesses and the petition has to be dismissed.

5. The learned counsel for the petitioner has filed a typed set of papers, wherein at page No.62, it was held as follows:

"Deposition of MWs corroborated with MEs further revealed that all the borrowers are genuine; none of them have denied availing loan and had utilized the loan for agricultural activities. It is also revealed that taking advantage of the lack of awareness of the village people, the temporary employee/s of the Sugar Mill had committed fraud by issuing recommendation letters under the forged signature of the Mill Officials. As the applications/proposals were handed over by the Mill employees to the Branch, the RDO/CSO did not suspect any malpractice and sanctioned the loans. MEs revealed that the officers of the Bank are not party to the fraud committed by the temporary employees of the Mill. The CSO had not followed the procedure as per the extant guidelines, however had adopted the then prevailing procedure by the Branch."

6. In view of the above report of the Chief Manager/Inquiring Authority, it is clear that the petitioner has not misappropriated any amount or forged any record and he has committed only procedural irregularities, which was due to insufficient staff strength, and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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.I, 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 stay at Dindigul and report before the learned Judicial Magistrate No.I, Dindigul, on all working days at 10.30 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/-

21/04/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO. I
MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3. THE JUDICIAL MAGISTRATE NO. I
DINDIGUL

4. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

6. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT, MADURAI-625 007.

+1. CC to M/S S. RADHAKRISHNAN Advocate SR.No.22282

RL/8C/2P/SKS/RR/ARI/22/4/2016

ORDER

IN

CRL OP (MD) No.5589 of 2016

Date : 21/04/2016