



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

Thursday, the Twenty Fourth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9362 of 2017

AROKIYA JEYANTHI

... PETITIONER/ ACCUSED No.2

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT
(CRIME NO.29 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

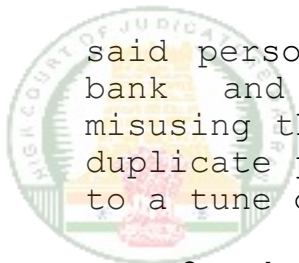
For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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 406, 419, 420, 463, 467, 468 and 471 of IPC., in Crime No.29 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the resident of Srirangam and A1 is the resident of the locality had been running a Self Help Group, in which, the defacto complainant had joined some 10 years before. The Self Help Group was named as 'Sri Vinayaka Self Help Group' and as per the FIR, A1 had introduced the petitioner herein as a person running a Non Governmental Organisation, who could avail loan facility from the Banks on commission basis and she had intended to avail loan for their Self Help Group and the accused person had taken photographs and ration card from the members of the Self Help Group and had thereafter, informed that Rs.40,000/- was sanctioned as loan and after detecting the commission, had paid Rs.37,000/- to the members of the Self Help Group. The defacto complainant and other members had promptly repaid the loan amount either to A1 or in the absence of her family members and inspite of repayment of loan, the defacto complainant and other members had received suit notice from the Sub-Court, Tiruchirappalli, filed by the Bank informing that they had not repaid the loan and when the defacto complainant and other members confronted A1 and her family members, it revealed that the



said persons had failed to deposit the collected amount with the bank and had misappropriated the same and the accused persons by misusing the Family Ration Card of the members and by obtaining the duplicate photos of the members had availed loan from various banks to a tune of Rs.70,00,000/- and as such, the present complaint.

3. The learned counsel appearing for the petitioner states that the petitioner was appointed as a Community Organizer through the proceedings of the Director, Town and Country Planning, Chepauk, Chennai, dated 29.05.2010 and the petitioner joined duty with Tiruchirappalli Corporation on 07.06.2010 and pursuant to the transfer of one Periyasamy, the petitioner was allotted duty for Ward Nos.1 to 6 and the Ward 10, 11 and 13 were allotted to Buela Santhosam. The Ministry of Housing and Urban Poverty Alleviation, Government of India had introduced Swarna Jayanthi Shahari Rojgar Jojana'' (SJSRY) consisting of various schemes, which were to be implemented by the Community Organizer. The petitioner, who happens to be the Community Organizer for Ward Nos.1 to 6, had processed the applications of the Self Help Group members, who had applied for the subsidy under the Scheme and the application of the Self Help Group members in Geethapuram, Srirangam Zone come under Ward No.5, the petitioner's jurisdiction and as such, the petitioner had discharged her duty as per the guidelines. Even as per the FIR, the availing of loan and the dispersal of the same is not disputed, but the grievance of the defacto complainant is the misappropriation by A1 and her family members. The allegation made in the FIR stating that the petitioner was received Rs.3000/- per loan as commission and she is an NGO.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 4 named accused in this case and the petitioner herein is arrayed as A4. He also submitted that A2 and A3 were arrested and released on bail by the concerned Sessions Court and A1 is still absconding and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also the nature of the appointment made by the Government in respect of the petitioner herein and also the allegation made in the FIR in respect of the misappropriation of A1 and her family, members, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate No.III, Tiruchirappalli, on condition that the petitioner shall execute 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 respondent police or the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.



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

sd/-
24/08/2017

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO III
TIRUCHIRAPPALLI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUCHIRAPPALLI.
 - 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.29355

ORDER
IN
CRL OP(MD) No.9362 of 2017
Date :24/08/2017

MPK
SMA/PM-PN/SAR3/29.08.2017 : 3P/6C