



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.116 of 2018

1 NATTAR
2 GOVINDARAJ

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
C.C.I.W.CID, TUTICORIN,
UNDER CR.NO. 1 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.R.LAXMANAN for M/S.P.MANIKANDAN Advocate

For Respondent : M/S.S.BHARATHI Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

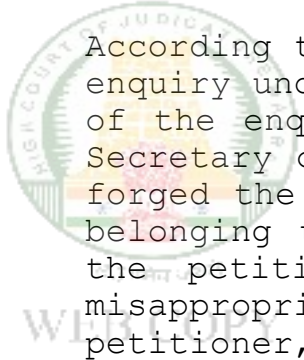
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 408, 409, 467, 468 and 477-A IPC in Crime No.1 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have misappropriated the funds of Chettikurichi Primary Agricultural Cooperative Credit Society.

3.The learned counsel appearing for the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. This case has been registered for the offence punishable under Sections 408, 409, 467, 468 and 477-A IPC.



According to the prosecution, prior to the registration of the case, enquiry under Section 81 T.N.C.S. Act is completed. In the findings of the enquiry, it is alleged that the first petitioner being the Secretary of the Society and the second petitioner being the Clerk, forged the documents and swindled a sum of Rs.1,63,725/-, which was belonging to the farmers. Therefore, being a responsible persons, the petitioners have committed the offence. As of now, the misappropriated amount was not recovered. However, the first petitioner, being Secretary of the Society is ready to deposit a sum of Rs.1,00,000/- to the credit of Crime No.1 of 2017 before the learned Judicial Magistrate No.II, Tuticorin.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tuticorin, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the first petitioner is directed to deposit a sum of Rs.1,00,000/- to the credit of Crime No.1 of 2017 before the learned Judicial Magistrate No.II, Tuticorin.
- (ii) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned 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].

sd/-
09/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, TUTICORIN.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE,
C.C.I.W.CID, TUTICORIN.

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

+1. CC to M/S.P.MANIKANDAN Advocate SR.No.478

ORDER

IN

CRL OP(MD) No.116 of 2018

Date :09/01/2018

MKV-PM-PN-SAR 4/19.1.2018/3P-6C