



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2814 of 2018

V.JOSEPH XAVIER FRANCIS

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
DINDIGUL. (CRIME NO.5 OF 2015) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.R.PRITHIVIRAJ Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

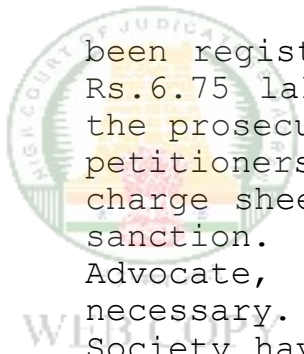
The petitioner, who is arrayed as accused No.2, apprehending arrest at the hands of the respondent police for the offence punishable under Section 409, 467, 468, 471 of IPC and Section 13(2) r/w 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988, in Crime No.5 of 2015, seeks anticipatory bail.

2.The case of the prosecution is that the accused No.1 being the Secretary of the Primary Agricultural Co-operative Credit Society, Atthumedu, Vendasandur, Dindigul District, during the period from 01.07.2012 to 30.06.2013, sanctioned Agricultural Jewel Loan in the name of expired members and in the name of bogus members and misappropriated the Government Funds to the tune of Rs.6,42,000/-. The petitioner is working as Senior Clerk cum Cashier in the Society.

3.The learned counsel appearing for the petitioner would submit that the petitioner are innocent persons and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that investigation is completed and waiting for sanction from the higher authority.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioner was working as Secretary in the Primary Agricultural Co-operative Credit Society, Atthumedu, Vendasandur, Dindigul District. This case has



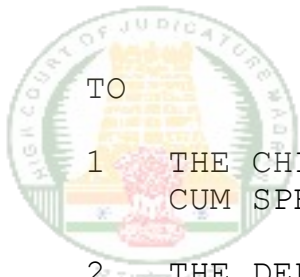
been registered against this petitioner for the misappropriation of Rs.6.75 lakhs pertaining to the above said society. According to the prosecution, the entire misappropriated amount was repaid by the petitioners. As of now, after completing the investigation the charge sheet has been forwarded to the higher officials for getting sanction. So as per the submission made by the learned Government Advocate, custodial interrogation of the petitioner may not be necessary. The petitioner being the Senior Clerk cum Cashier of the Society having the permanent residence in the locality in which the alleged offence was happened.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate Cum Special Judge, Dindigul, on condition that the petitioner 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 petitioner shall report before the respondent police, daily at 10.00 a.m. until further orders;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned 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 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/-
22/02/2018

/ TRUE COPY /



TO

1 THE CHIEF JUDICIAL MAGISTRATE
CUM SPECIAL JUDGE, DINDIGUL.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION POLICE STATION,
DINDIGUL.

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

+1. CC to M/S.P.R.PRITHIVIRAJ Advocate SR.No.2891

ORDER

IN

CRL OP (MD) No.2814 of 2018

Date :22/02/2018

MKV-CM-VR-SAR 3/27.2.2018/3P-5C