



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3183 of 2018

1 RAMACHANDRAN
2 MATHI UTHAYAN
3 DHANALAKSHMI
4 SAKTHIVEL
5 SANTHANA MARY
6 RAJU
7 R. KALAIVANAN
8 GEETHA
9 AZHAGESAN
10 ELAMARAN
11 KARUPPAIYAH

... PETITIONERS / ACCUSED NO.3 TO 13

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CCIW, THIRUCHIRAPPALLI,
IN CR.NO. 01/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A R L.SUNDARESAN Senior Counsel for
M/S.AL.GANTHIMATHI 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 petitioners/A-3 to A13, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406, 408, 477(A) and 120(B) I.P.C., in Crime No.01 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are the Directors of Manaparai Primary Agricultural Co-operative Credit Society from 08.05.2013 onwards. While so, during the period 2014-2016, the petitioners herein, the Secretary(A1) and Senior Clerk(A2) of the Society were misappropriated the funds of the Society. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that petitioners are innocent persons, they have not committed any



offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that as per Section 81 of Tamil Nadu Co-operative Society Act, enquiry was ordered, in which, the Secretary of the Society and one Assistant alone had liable for misappropriation of funds. According to him, investigation is completed.

5. The submissions made by the learned counsel appearing on either side are considered. The petitioners herein are the Directors of Primary Agricultural Co-operative Credit Society, Manaparai. It is alleged that during the time of occurrence, the petitioners and other two accused committed the offence of misappropriation of funds of the Society to the tune of Rs.17,54,000/-, thereby, as per Section 81 of Tamil Nadu Co-operative Society Act, enquiry was ordered, in which, the enquiry officer gave findings that the Secretary of the Society and one Assistant alone liable for the entire misappropriation and those persons are not the petitioners in this case. Even, after getting 81 enquiry order, based on the information given by the Directors, this case has been registered against the petitioners. Moreover, as of now, investigation is completed, further the evidence necessary for completing investigation, are all available in the form of records. So, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, 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.III, Thiruchirappalli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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].

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28/02/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III, THIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE
CCIW, THIRUCHIRAPPALLI.

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

+1. CC to M/S.AL.GANTHIMATHI Advocate SR.No.3322

ORDER
IN
CRL OP(MD) No.3183 of 2018
Date :28/02/2018

MKV-PM-PN-SAR 2/6.3.2018/3P-6C