



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.32 of 2018

S.S.V.KENNADY

... PETITIONER/ACCUSED No.2

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
CCIW, CID WING, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.7 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.MARIAPPAN, Advocate

For Respondent : MR.K.S.DURAIPANDIAN, Additional Public Prosecutor

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

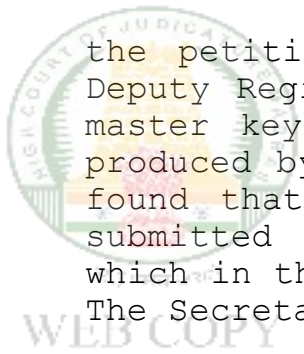
ORDER : The Court Made the following order :-

Heard both sides.

2.The petitioner is arrayed as A2 in Crime 7 of 2017 of CCIW.CID Wing, Virudhunagar District. He apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 408, 409, 471, 477A, 379, 420 I.P.C., he has filed this petition, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that the petitioner herein is the President of Q.695, Chathirareddiapatti Primary Agricultural Co-operative Society. During the time of alleged occurrence, the jewels which was pledged by the poor farmers to the tune of Rs.70,77,500/- was misappropriated from the said Society. Thereby, the case under Sections 406, 408, 409, 471, 477A, 379, 420 I.P.C., has been registered against the A2 and other accused persons.

4.The learned counsel appearing for the petitioner submitted that on 26.07.2017, the petitioner/A2 received a letter from the Deputy Registrar of Co-operative Society stating that Co-operative CSR/Field office is likely to conduct the inspection of the Society and he was appointed an enquiry officer U/s.81 of Co-operative Society Act. It is further submitted that the key which



the petitioner's possession could not open the locker. Hence the Deputy Registrar Co-operative Society had taken steps to bring the master key from the locker company on 26.07.2017. Master key was produced by the locker company and the lockers were opened. It was found that 34 items of jewels were found missing. It is further submitted that the Secretary/A1 has tampered the locker. The key which in the petitioner's possession could not also open the locker. The Secretary/A1 was absconding.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured was discharged from the hospital.

6. Considering the submissions on either side, it discloses that the injured was discharged from the hospital. Hence, this Court come to the conclusion that in order to complete investigation, custodial interrogation is not necessary, accordingly, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

(i) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before Judicial Magistrate, Musiri on or before 18.01.2018, failing which, the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Musiri.

(iii) The petitioner is directed to appear before the respondent/police daily at 10.00 a.m. for a period of two weeks.

(iv) The petitioner shall make himself available for interrogation as and when required by the investigation officer.

(v) 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/-
04/01/2018

/ TRUE COPY /

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



TO

1 THE INSPECTOR OF POLICE,
CCIW, CID WING, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP (MD) No.32 of 2018
Date :04/01/2018

PK/RR/SAR-1/09.01.2018 : 3P/3C