



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

Monday, the Twelfth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos .3814 and 3782 of 2018

THANGASAMY

... PETITIONER/ACCUSED No.1 in
CRL OP(MD) No.3814 of 2018

PONRAJ

... PETITIONER/ACCUSED No.2 in
CRL OP(MD) No.3782 of 2018

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
CCIW CID, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT,
IN CRIME NO.1/2018

... RESPONDENT / COMPLAINANT IN
BOTH THE PETITIONS

For Petitioner : M/S.G.MARIAPPAN Advocate in both the petitions
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side) in both the petitions

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

COMMON ORDER

Since, the petitioners in these two petitions are involved in the same crime registered in Crime No.1 of 2018, these two petitions are taken up together, heard and disposed of by way of common order.

The petitioners / A1 & A2 in these two petitions were arrested and remanded to judicial custody on 31.01.2018 for the offences punishable under Sections 408, 409, 465, 467, 468, 471, 477(A) r/w. 109 and 120(b) of IPC., in Crime No.1 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that A1 was working as the Secretary and A2 was working as the President of Iluppaiyur Primary Agricultural Co-operative Bank, Aruppukottai, Virudhunagar District during the period from 01.04.2015 to 31.05.2016, at that time they have committed misappropriation of Rs.50,16,929/- from the said Society. Hence, the case has been registered for the above said crime.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the petitioners submitted



that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for bail to the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that the misappropriated amount of Rs.50,16,929/- is not recovered so far. He further submitted that the investigation is at preliminary stage. Hence, he prays for dismissal of these petitions.

5. The submissions made by the learned counsels appearing for both side are considered. On going through the submissions, it would appear that A1 and A2 were working as Secretary and President of the S.P.SPL.84, Iluppaiyur Primary Agricultural Co-operative Bank, Aruppukottai, Virudhunagar District from 01.04.2015 to 31.05.2016. After finding out the misconduct committed by the petitioners, the Deputy Registrar of Co-operative Societies initiated enquiry under the provisions of Section 81 of Tamil Nadu Co-operative Societies Act and thereafter, the enquiry officer submitted a report in which he mentioned that A1 and A2 are responsible for the alleged misappropriation, which was mentioned in the FIR. The petitioners are in judicial custody from 31.01.2018. However, the misappropriated amount is not recovered so far. So, custodial interrogation is necessary for completing the investigation. Hence, considering the gravity of offence committed by the petitioners, this Court is not inclined to grant bail to the petitioners. Accordingly, these Criminal Original Petitions are dismissed.

sd/-

12/03/2018

/ TRUE COPY /

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

TO

- 1 THE SUB INSPECTOR OF POLICE
CCIW CID, VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT
- 2 THE OFFICER IN CHARGE
DISTRICT JAIL, VIRUDHUNAGAR
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.G.MARIAPPAN Advocate SR.No.4067

ORDER IN
CRL OP(MD) Nos.3814 and
3782 of 2018
Date :12/03/2018