



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.824 of 2018

1 KARUNANITHI
2 M. SANGILI
3 N. SANMUGASUNDARAM
4 P. GUNASEKARAN
5 S. SHANMUGAM
6 S. VEERAMALAI ... PETITIONERS / ACCUSED Nos.4 and 8 to 12

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CCIW-CID, CANTONMENT,
TIRUCHIRAPPALLI,
(CRIME NO. 10/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.C.ASAITHAMBI Advocate

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

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

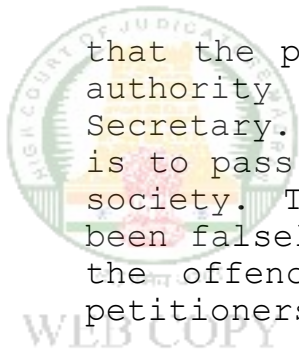
ORDER : The Court Made the following order :-

The petitioners/A4, A8 to A12, who apprehend arrest at the hands of the respondent police for the offences under Sections 406, 408, 477(A) and 120(B) I.P.C., in Crime No.10 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first Accused in this case is the Secretary of Ettari Primary Agricultural Co-operative Credit Society, Trichy District and the second accused is the salesman and the other accused are the members of the Society. The Deputy Registrar after received the complaint of malpractice in the jewel loan accounts, he ordered 81 Enquiry by the Sub Registrar and the Sub Registrar has enquired the same and submitted his report on 23.02.2017. In this report he recommended for criminal action against the Accused Nos.1 and 2. On the basis of the report the Deputy Registrar has also given a complaint against all the members of the Board stated that they have not checked the records. On these allegations, the respondent police registered the above case as against the petitioner.

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

3.The learned counsel appearing for the petitioners submitted



that the petitioners are the members of the Board and they have no authority to check the register and no power to control the Secretary. The petitioners are only elected members and their role is to pass resolutions at the meeting with respect to affairs of the society. They have no nexus with the alleged offence, they have been falsely implicated in this case, they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the petitioners are the Members of the Board, totally 13 accused in this crime and the petitioners are arrayed as Accused Nos.4, 8 to 12. He further submitted that after getting order from the Deputy Registrar of Co-operative Society, 81 Enquiry was conducted. Totally a sum of Rs.40,40,000/- (Rupees Forty Lakh and Forty Thousand Only) has been misappropriated from the Society and investigation is pending.

5. Considering the submissions made by the learned counsel on either side, it appears that the offence under Sections 406, 408, 477(A) and 120(B) I.P.C., has been registered against the petitioners. Admittedly, the petitioners herein are the directors of the Ettari Primary Agricultural Credit Co-operative Society. Even though the loss sustained to the Society is went upto the extent of Rs.40,40,000/- (Rupees Forty Lakhs and Forty Thousands Only) as per Section 81 of Tamil Nadu Co-operative Society Act, the enquiry officer recommended, gave opinion that the Accused Nos.1 and 2 in this case alone responsible for the entire loss sustained to the Society. Hence, considering the fact that 81 Enquiry Report is a crucial document for misappropriation of fund. Even though investigation is pending, this Court is inclined to grant anticipatory bail to the petitioners. 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, Trichy, 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. Until further orders.
- (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].

sd/-
18/01/2018

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
TRICHY
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY
 - 3 THE INSPECTOR OF POLICE
CCIW-CID, CANTONMENT, TIRUCHIRAPPALLI,
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- +1. CC to M/S.A.C.ASAITHAMBI Advocate SR.No.865

JAM/24/01/2018/CM-VR/ SAR 1 / 3p-6c

ORDER
IN
CRL OP(MD) No.824 of 2018
Date :18/01/2018