



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.14742 of 2017

1 K.PERIANDAVAR
2 PORUMAI ANBAGA JOTHI
3 K.DARMAR
4 P.KARUPPAIAH
5 M.KARNAN
6 E.S.RAMASAMY
7 NERATHALINGAM
8 C.PANJANGAM
9 R.BALAMURUGAN

... PETITIONERS/ACCUSED NOT KNOWN

Vs

THE STATE OF TAMILNADU
REPRESENTED BY
THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING (CCIW),
NEAR COLLECTORATE COMPLEX,
KUMARASAMY RAJA NAGAR,
VIRUDHUNAGAR

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.O.S.KALAISELVAM Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1, 4 to 7 and 10 to 13, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 408, 471 and 477 (A) r/w. 34 I.P.C., in Crime No.4 2017 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the Government of Tamil Nadu under Rule 110 announced in the Assembly to open E-Center in Co-operative Societies to serve the public and issued G.O. to that effect and the Muhavoor Farmers Service Society was given permission to open the E-center and orally directed to open the same in a month and also orally authorized to renovate the existing building at



once. Immediately, the materials purchased only from Co-operative Societies to renovate the old building and the entire work were completed within one month and the Model E-Center opened for public service and earned profit of Rs.2,00,000/- per month. The total expenses towards mason work, wiring, plastering, installing shed for public accommodation, painting and for purchasing UPS Batteries and Computer System was Rs.1,97,404/-. Immediately, the Engineers obtained estimates from three licensed Engineers and resolution passed in the Board Meeting and forwarded to the Joint Registrar of Co-operative Societies and the Deputy Registrar of Co-operative Societies to approve the expenses. Instead of granting approval, the Deputy Registrar of Co-operative Societies ordered for an inspection under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 [hereinafter referred to as 'the Act'] and based on the report of the Inspection Officer, dated 03.12.2015, the Deputy Registrar initiated surcharge proceedings against the Directors of the Board, as if prior approval not obtained as per the circular of the RCS (Registrar of Co-operative Societies) in No.Na.Ka.186217/95/Pa.e.ka., dated 31.7.1998. Hence, the Deputy Registrar forwarded the inspection report for taking criminal action against the petitioners.

3.It is submitted by the learned counsel for the petitioners that the first petitioner is the President, the petitioners 2 to 7 are the Directors, 8th petitioner is the Senior Assistant and 9th petitioner is the Office Assistant of Q-837 Muhavoor Farmer Service Co-operative Credit Society Ltd., Muhavoor. It is further submitted by the learned counsel for the petitioners that initially, the first petitioner made a complaint to the Secretary to the Government of Tamil Nadu, Department of Co-operation, with regard to issuance of a tender to a person, whose license was cancelled in the year 2013 and not eligible to participate in the tender. After such complaint, the Deputy Registrar hurriedly forwarded the inspection report to the respondent for taking criminal action against the petitioners for the offences stated above. It is also submitted that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that a case has been registered against the petitioners based on the complaint given by the Deputy Registrar of Co-operative Societies, Srivilliputhur. The petitioners caused loss to the tune of Rs.24,19,665/- to the Society and so far, the said amount was not repaid by the persons and in order to recover the said amount, custodial interrogation is necessary and prays dismissal of the Criminal Original Petition.

5.The submissions made by the learned counsel on either side are considered. The first petitioner is the President, the petitioners 2 to 7 are the Directors, 8th petitioner is the Senior Assistant and 9th petitioner is the Office Assistant of Q-837



Muhavoor Farmer Service Co-operative Credit Society Ltd., Muhavoor. The respondent police registered a case based on the complaint given by the Deputy Registrar of Co-operative Societies, Srivilliputhur, for the offences under Sections 406, 408, 471, 477(A) r/w. 34 IPC. The materials placed before me disclose that the alleged complaint was lodged by the de-facto complainant based on the enquiry conducted under Section 81 of the Act. As of now, after completion of Section 81 enquiry, the petitioners are provided with notice under Section 87 of the Act. Admittedly, in the alleged offence, a loss to the tune of Rs.24,19,665/- is caused to the abovesaid Society. So far the said amount was not repaid by the persons, who are responsible for the loss. In order to recover the said amount, this Court is of the view that custodial interrogation is necessary.

6.Considering the above facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition is dismissed.

sd/-
17/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING (CCIW),
NEAR COLLECTORATE COMPLEX, KUMARASAMY RAJA NAGAR, VIRUDHUNAGAR
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.V.O.S.KALAISELVAM Advocate SR.No.762

ORDER
IN
CRL OP(MD) No.14742 of 2017
Date :17/01/2018

SMA/CM-VR/SAR-4/22.01.2018:3P/4c