



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

Friday, the Seventh day of September Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14867 of 2018

L. SELVAM

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
SWAMIMALAI, THANJAVUR DISTRICT.
CRIME NO. 167 OF 2018

... RESPONDENT / COMPLAINANT

O.SABEER ALI,

...INTERVENE PETITIONER /DE FACTO COMPLAIANT

For Petitioner : Mr.T.UMASANKAR Advocate

For Respondent : Mrs.M.ANANTHA DEVI Govt. Advocate (Crl. Side)

For Intervenor : Mr.NIRANJAN S.KUMAR Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 406 and 381 I.P.C, in Crime No.167 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as Secretary of the Swamimalai Primary Agricultural Co-operative Society, Swamimalai. At that time, he had taken away the Jewel Locker Key, Registers and Documents of the Society and also Rs.1,30,000/- cash of the Society. Due to that, he was suspended by the newly elected President. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working to the satisfaction of all concerned for the past 20 years. He is no way connected with any allegation that had been placed before the respondent. The suspension order was served without any charge memo being issued on the petitioner. Till date, there is no any written order or memo calling the petitioner to handover charge, which is a normal administrative practice in all co-operative societies. Hence, he prays for



anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervener would submit that during the audit for 2015 to 2016 made by the Co-operative Society Audit Officer, it was found that the petitioner herein has not deposited the collected amount to the tune of Rs.7,60,000/- in the Bank. Therefore, the Co-operative Society Sub Registrar Field Officer filed a preliminary report that sum of Rs.11,60,000/- has not been accounted. Based on that, the petitioner remitted the said amount. Subsequently on 17.04.2018, the Co-operative Society Sub Registrar Field Officer found that the cash book is incomplete from 31.03.2018 and there are many corrections prior to such date. Further from 01.04.2018 to 16.04.2018, there was no entry regarding the business transactions. When the same was questioned by the Field Officer, the petitioner herein took the account book, strong room keys, safety locker keys and the books of accounts which was maintained from 01.04.2015 to 17.04.2018, on that particular date, he left the premises without any intimation. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had swindled a sum of Rs.1,30,000/- along with Locker Key, Registers and Documents of the Society. He further submitted that the investigation is pending.

6. Taking note of all these aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Kumbakonam, Thanjavur District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders, for enquiry. During the time of enquiry, the petitioner is directed to hand over the Locker Key, Registers, Documents and all the properties which were maintained in the said Co-operative Society. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

07/09/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
KUMBAKAONAM, THANJAVUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION, SWAMIMALAI,
THANJAVUR DISTRICT.

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

+1. CC to M/S.T.UMASANKAR Advocate SR.No.17389
+1 CC TO Mr.NIRANJAN.S.KUMAR , Advocate, Sr.No..17180
PS/RR/SAR-4;17/09/2018:3P/7C

ORDER

IN

CRL OP(MD) No.14867 of 2018

Date :07/09/2018