



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2007 of 2019

A.RAJENDRAN

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING (CCIW)
TRICHY
IN CRIME NO.4/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.VEERA KATHIRAVAN, Senior Counsel for
Mr.T.RAMASAMY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 29.01.2019 for the offence punishable under Sections 406, 408, 409, 467, 468, 471, 477A and 120(b) of IPC in Crime No.4 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that The petitioner is the President and A1 is the Secretary and others are office bearers of the Primary Agricultural Co-operative Society, Kottapalayam and they mis appropriated a sum of Rs.35,67,000/- by way of Jewel Loan, loan waiver scheme and other schemes, for which the Registrar conducted enquiry u/s 81 of the Tamil Nadu Co-operative Societies Act, 1983. Thereafter, they found there was a large number of mis appropriation. Hence, they filed the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner is only the President of the Society and he himself lodged a complaint against other office bearers. Hence, in order to wreck vengeance this complaint has been filed. However, without prejudice his right he is ready to deposit a sum of Rs.5,00,000/- in the Co-operative Bank. Accordingly, he prayed for bail.



4.The learned Additional Public Prosecutor would submit that any stringent condition may be imposed.

5.Considering the facts and circumstances of the case and since the petitioner undertakes to deposit a sum of Rs.5,00,000/- in the Co-operative Bank, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs only)** in the concerned Co-operative Bank within a period of 21 days from the date of receipt of a copy of this order and he shall produce the proof of the same at the time of execution of sureties.

(c) the petitioner shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

08/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
MUSIRI, TRICHY DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT



3 THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING (CCIW)
TRICHY

4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

COPY TO:- THE BRANCH MANAGER,
PRIMARY AGRICULTURAL CO-OPERATIVE SOCIETY,
KOTTAPALAYLAM.

+1. CC to MR.K.MUTHUMALAI Advocate SR.No.2634

ORDER
IN
CRL OP(MD) No.2007 of 2019
Date :08/02/2019

MSI/PN/SAR-II/08.02.2019-3P/8C