



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

Thursday, the Twenty First day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3182 of 2019

M.BALAKRISHNAN

... PETITIONER

Vs

1 STATE REP. BY
THE SUPERINTENDENT OF POLICE,
C.C.I.W - CID, CHENNAI.

2 THE INSPECTOR OF POLICE,
C.C.I.W - CID,
RAMANATHAPURAM DISTRICT.
(CRIME NO.2/2019)

... RESPONDENTS

For Petitioner : MR.RAJA.KARTHIKEYAN Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 406,420,408,409,468,471,477(A), 120(b) of IPC, in Cr.No.2 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the President of Keeranur Primary Agricultural Co operative Credit Society. He along with the Secretary misappropriated a sum of Rs.1,07,86,080 for which 81 enquiry was conducted and thereafter criminal case was lodged against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would also submit that the petitioner has already paid Rs.14,00,000/- to the socety. However without prejudice to his rights and contentions the petitioners are willing to deposit Rs.15,00,000/- cash and Rs.10,00,000/- worth property security to



the credit in Crime number. Thereafter the learned Magistrate shall transfer the said amount of Rs.15,00,000/- to the Keeranur Primary Agricultural Co operative Credit Society

4.The learned Government Advocate(Crl.Side) appearing for respondent would submit that since the petitioner has come forward to deposit some amount in the crime number, this Court may pass appropriate orders.

5.Considering the facts and circumstances and considering the fact that the petitioners have come forward to deposit some amount to the credit in crime number, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of **three weeks** from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ramanathapuram on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)The petitioners are directed to deposit Rs.15,00,000/- cash and Rs.10,00,000/- worth property security to the credit in Crime No. 2 of 2019 before the learned Judicial Magistrate, Ramanathapuram within a period of three weeks and the proof shall be furnished at the time of furnishing sureties and thereafter sureties shall be accepted. Thereafter the learned Magistrate shall transfer the said amount of Rs.15,00,000/- to the Keeranur Primary Agricultural Co operative Credit Society

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

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

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

(e)the petitioners 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/-

21/03/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE SUPERINTENDENT OF POLICE,
C.C.I.W - CID, CHENNAI.
- 4 THE INSPECTOR OF POLICE,
C.C.I.W - CID, RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAJA.KARTHIKEYAN Advocate SR.No.56071

COPY TO:

THE PRESIDENT,
KEERANUR PRIMARY AGRICULTURAL
CO OPERATIVE CREDIT SOCIETY,
KEERANUR, RAMANATHAPURAM DISTRICT.

ORDER

IN

CRL OP (MD) No.3182 of 2019

Date :21/03/2019

JM/VR/SAR 2/28.03.2019/3P/8C