



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.60 of 2019

KALIRAJ

... PETITIONER / ACCUSED NO.A1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
VIRUDHUNAGAR.
(IN CRIME NO. 4 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABU Advocate

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

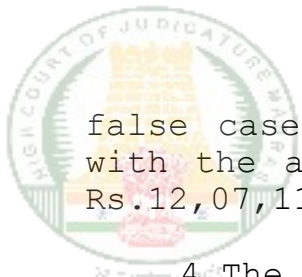
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 468, 471, 477(A) and r/w 34 of IPC, in Cr.No.4 of 2018 seek anticipatory bail.

2.The case of the prosecution is that the petitioner is the secretary of SP-SPL 66 Ramalingapuram Primary Agricultural Co-operative Society and during the year 2016-2017 he along with other accused persons Ponraj and Ramamoorthy is said to have misappropriated a sum of Rs.7,94,950/- in Central Co-operative Bank in disbursement of Jewel loans and making false entries in daily ledgers wherein the collection of interest and payments by the customers who obtained loans have not been brought into account and diverted the same for his own use. On the complaint of the Deputy Registrar of Co-operative Society, Srivilliputhur enquiry was conducted under Section 81 of the Tamilnadu Co-operative Societies Rules. The enquiry report concluded that though the petitioner had compensated the misappropriation, disciplinary action should be taken against him. Hence, the complaint has been lodged.

3.The learned counsel for the petitioner would submit that a



false case has been foisted against him and he had nothing to do with the alleged crime. The petitioner has already paid a sum of Rs.12,07,115/- to the rectification of the mistake committed by him.

4.The learned Government Advocate (Crl. Side) submits that the petitioner has paid a sum of Rs.12,07,115/- and the copy of the statement and certificate also produced.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Virudhunagar, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. II,
VIRUDHUNAGAR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
CCIW POLICE STATION, VIRUDHUNAGAR.

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

+1. CC to MR. M. PRABU Advocate SR.No.500

ORDER
IN
CRL OP (MD) No.60 of 2019
Date : 09/01/2019

AE/JC/SAR3/11.01.2019/3P/6C