

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5511 of 2020

M.JOTHIRAJU

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
VIGILANCE AND ANTICORRUPTION POLICE UNIT,
PUDUCHERRY,
(CRIME NO. 2/2020)

For Petitioner : M/S. S.RAJENDRAKUMAR Advocate

For Respondent : M/S BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR
(PUDUCHERRY)

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

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 420 of IPC read with 34 of IPC and 13 (1)(C) of the Prevention of Corruption Act, 1988 and 152(1)(iv) of the Puducherry Cooperative Societies Act, 1972, in Cr.No.2 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution are that there are four accused persons in the case on hand and the Petitioner herein is A3. A1, who was the Secretary of the Pondicherry Health Employees Cooperative Credit Societies and the other accused, who were working as Administrators during different periods, had, without the approval of the Registrar of Cooperative Societies, deposited funds of the Society in the other Cooperative Societies, which are now running in loss. Hence, the Petitioner has been implicated as an accused in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the Petitioner, the Petitioner/A3 was working as an Administrator during the period 2016-2018 and the funds have not been misused or swindled by the Petitioner and they have been invested in other Cooperative Societies under the control of the

Government of Pondicherry. Even as per the complaint, there is no allegation that the Petitioner obtained any unlawful gain in the transaction. In CrI.OP.No.4312 of 2020, A1, who is the Secretary of the Society, was enlarged on anticipatory bail, wherein A1 undertook to secure the amounts deposited in the other Cooperative Societies. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5. On the other hand, the learned Government Advocate for the Respondent, while vehemently opposing to grant anticipatory bail, would submit that without following the procedures and without obtaining permission from the Registrar of Cooperative Societies, the Petitioner, who was the Administrator, along with the Secretary/A1, had deposited the funds in the other Cooperative Societies, which are not financially doing well and it would be difficulty for the Cooperative Society to recover the amount from the other Societies. In such circumstances, anticipatory bail cannot be granted to the Petitioner.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the Special Judge, Prevention of Corruption Act, 1988, Pondicherry, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

- i. If the Petitioner fails to surrender before the Special Judge, Prevention of Corruption Act, 1988, Pondicherry, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.
- ii. 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 Special Judge, Prevention of Corruption Act, 1988, Pondicherry. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.
- iii. The Petitioner shall report before the Respondent Police, daily at 10.30 a.m. for a period of one week and thereafter thereafter, as and when required, until further orders.
- iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in 2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala).

vi. If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-

10/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE,
PREVENTION OF CORRUPTION ACT, 1988 PONDICHERRY

2 THE PUBLIC PROSECUTOR
PUDUCHERRY

3 THE INSPECTOR OF POLICE
VIGILANCE AND ANTICORRUPTION POLICE UNIT,
PUDUCHERRY,

CC to M/S. S.RAJENDRAKUMAR Advocate on payment of necessary charges sr.4790

CRL OP.5511/2020

Date :10/03/2020

RVR 13/03/2020

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