

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6458 of 2020

D.BALAKIROUCHENIN

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION POLICE UNIT,
PUDUCHERRY.
CRIME NO.2 OF 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 :-

This Criminal Original Petition has been filed seeking to grant anticipatory bail to the petitioner, who is A2, in a criminal case registered in Crime No.2 of 2020, for the offence punishable under Section 420 r/w. 34 of I.P.C and 13(1)(C) of the Prevention of Corruption Act, 1988 and 152(1)(iv) of the Puducherry Co-operative Societies Act, 1972.

2. The petitioner was one of the Administrators of the Pondicherry Health Employees Co-operative Credit Society. The allegation is that A1, who was the Secretary of the Pondicherry Health Employees Cooperative Credit Society and other accused, who were working as Administrators along with the petitioner, had invested the surplus amount available in the above society, in some other Cooperative Societies, without the approval of the Registrar of the Cooperatives Societies. The Societies, in which, the amounts were deposited are not financially doing well and ended in loss to Pondicherry Health Employees Cooperative Credit Society. Hence, the complaint has been given.

3. The learned counsel for the petitioner would submit that, the only allegation is that the petitioner and others, is without obtaining necessary approval from the higher authorities, deposited the money into some other cooperative society and there is no allegation misappropriation of money.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that, in the instant crime already anticipatory bail was granted to A1 vide order dated 26.02.2020 made in CrI.O.P.No.4312 of 2020 and anticipatory bail was also granted to A3 vide order in CrI.O.P.No.5511 of 2020, dated 10.03.2020 and also produced the copy of the orders.

5. Considering the fact that already co-accused have been granted anticipatory bail, 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 on which the order copy made ready, before the learned Special Judge, Special Court for Vigilance and Anti-Corruption, Puducherry, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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].

-sd/-
19/03/2020

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

TRUE COPY

TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR VIGILANCE AND ANTI-CORRUPTION,
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION POLICE UNIT,
PUDUCHERRY.

+1 CC to M/S.S.RAJENDRAKUMAR Advocate on payment of necessary
charges SR.No.5426

cs 06/05/2020



CRL OP.6458/2020

Date :19/03/2020

WEB COPY