

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7393 of 2020

K.Murugaiyan

... Petitioner

Vs.

The Inspector of Police,

... Respondent

Commercial Crime Investigation Wing(CCIW)

Rural, Coimbatore

(Crime No.1 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.Mohammed Riyas

Additional Public Prosecutor

ORDER

सत्यमेव जयते

The petitioner, who was arrested and remanded to judicial custody on 20.03.2020 for the offence punishable under Sections 120-B, 408, 467, 471, 477-A of IPC in Crime No.1 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons joined together and misappropriated the funds of the Society to the tune of Rs.5 Crores. On an inspection on 16.07.2018 by the Field Manager of Central Co-operative Bank and Supervisor, the misappropriation of fund came to be detected. Thereafter, enquiry was conducted and a case was registered as against this petitioner and another accused.

3.The learned counsel appearing for the petitioner would submit that the petitioner is aged about 70 years and he is an illiterate person and he is also physically challenged persons. He further submitted that he was already hospitalized for his knee problem and he is undergoing treatment till date of his arrest. He submitted that even during the enquiry, the first accused has categorically admitted her guilt and also said that she only misappropriated the funds and the petitioner did not commit any offence as alleged by the prosecution. He further submits that the petitioner is in judicial custody from 20.03.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner was the President of the Society. On an inspection, it was found that around Rs.5 Crores has been misappropriated by this petitioner along with A1. Immediately thereafter an enquiry under Section 81 of Tamil Nadu Co-operative Societies Act has been conducted and on enquiry it was found that the petitioner along with another accused person had misappropriated the fund. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Heard both sides.

6.It is seen that the petitioner is arrayed as A2 in this case. He was the President of Bellathi Co-operative Society and A1 is the Secretary of the Society. On an inception by the Field Manager and Supervisor on 16.07.2018, the misappropriation came to light. Immediately thereafter enquiry has been conducted and found that the petitioner along with Secretary of the Society, who is arrayed as A1 have joined together and misappropriated the funds to the tune of Rs.5 Crores by producing false and bogus receipts.

7.Taking into consideration the nature of offence committed by the petitioner and huge amount has been misappropriated, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

सत्यमेव जयते

WEB COPY

-sd/-
05/05/2020

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 JUDICIAL MAGISTRATE,
NO.IV, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

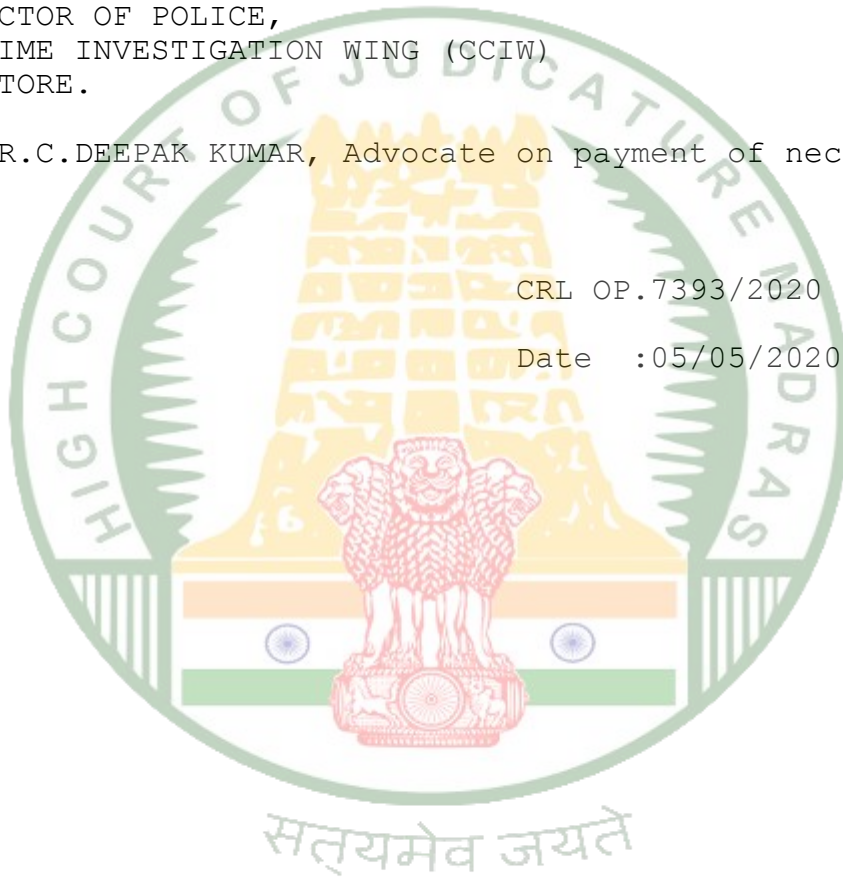
4 THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING (CCIW)
RURAL, COIMBATORE.

CC to MR.C.DEEPAK KUMAR, Advocate on payment of necessary
charges

CRL OP.7393/2020

Date :05/05/2020

TA-17/06/2020



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