

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.11176 of 2020

M.R.Murugaswamy

... Petitioner

Vs.

State rep by  
The Inspector of Police,  
CCIW CID, Coimbatore,  
Coimbatore District.  
Crime No.2 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.K.Prabakar,  
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120 (B), 408 and 477 (A) IPC, in Crime No.2 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the petitioner was working as Secretary in the K2023 Mugasismesampatti Primary Agricultural Cooperative Credit Society, Coimbatore, he along with a Clerk one Palanisamy, by fabrication of records and manipulation of accounts, had committed irregularities causing loss to the society to the tune of Rs.32.50 Lakhs. On the complaint given by the Deputy Registrar of the Cooperative Credit Society, the case was registered. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and that the petitioner has been falsely implicated in this case. He would submit that the petitioner was working as a Secretary in the Cooperative Credit Society and

without his knowledge, the other accused has committed irregularities causing loss to the society to the tune of Rs.32.50 Lakhs and internal enquiry was conducted and the petitioner has repaid the amount of Rs.32.50 Lakhs along with interest to the tune of Rs.7.25 Lakhs and that the occurrence had happened during the year 2014 and after six years, the present complaint has been given. The case is borne out by any records and no custodial interrogation is required and the respondent has filed a counter. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner was working as Secretary in the K2023 Mugasismesampatti Primary Agricultural Cooperative Credit Society, Coimbatore, along with the co-accused a Clerk, one Palanisamy, had committed irregularities causing loss to the society to the tune of Rs.32.50 Lakhs and that during enquiry, it was found that the petitioner has repaid the amount and he would submit that the petitioner who was entrusted with the job of taking care of the Society has caused loss to the Society. Therefore, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.IV, Coimbatore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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, 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 daily at 10.30 a.m. for a period of four weeks and thereafter every Monday at 10.30 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 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
13/08/2020

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  
CCIW CID, COIMBATORE  
COIMBATORE DISTRICT

CC to M/S C.PRAKASAM Advocate on payment of necessary charges

CRL OP.11176/2020

Date :13/08/2020

MK:26/08/2020