

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13452 of 2020

G.Elumalai, m/50, a-2  
S/o.Gopal Gounder  
Azhaganandhal Village,  
Kolakkudi Post  
Thiruvannamalai Taluk  
and District.

.. Petitioner

Vs.

The State by  
The Inspector of Police  
CCIW CID, Thiruvannamalai  
Thiruvannamalai District  
(Cr.No.1 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1 of 2020, on the file of the Inspector of Police, CCIW CID, Thiruvannamalai District.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 408, 409, 465, 471, 477A, 420 and 120B IPC, in Crime No.1 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as President in the Azhaganandhal Primary Agricultural Cooperative Credit Society, Azhaganandhal Village, Kolakkudi Post, Thiruvannamalai Taluk and District. While he was discharging his duties as President, he has misappropriated an amount of Rs.1,25,809/- which has been paid to the members towards crop insurance. Hence the complaint.

petitioner is innocent and he has been falsely implicated in this case. He would further submit that since the members did not have separate bank account, the cheques were deposited into the petitioner's bank account and the petitioner has also repaid the amounts to the respective beneficiaries. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused have deposited the cheques given by way of crop insurance in their account and thereby, misappropriated the money. However, he would submit that later, the amounts have been paid to the beneficiaries.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also, the alleged amounts have been paid to the beneficiaries, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Thiruvannamalai, Thiruvannamalai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

02/09/2020

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.II, THIRUVANNAMALAI  
THIRUVANNAMALAI DISTRICT

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
CCIW CID, THIRUVANNAMALAI,  
THIRUVANNAMALAI DISTRICT.

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

CRL OP.13452/2020

Date :02/09/2020

RD 14/09/2020

WEB COPY