

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.14833 of 2020

Ravikumar

... Petitioner

Vs.

The State Rep. by its
Inspector of Police,
CCIW - Tiruvannamalai Police Station,
Tiruvannamalai.
(Crime No.2 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.09.2020 for the offences punishable under **Sections 408, 409, 465, 468, 471, 477(A), 420, 109, 120(B) of IPC Crime No.2 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who was working as Assistant Manager with Thachampattu Primary Agricultural Co-Operative Credit Society Ltd., during the period from November 2015 to September 2016, along with A1, the Secretary and A2, the writer, conspired and created fake Sugar Cane Loan recommendation letter as if it was applied by the 11 members of the Society and thereby misappropriated a sum of Rs.19,62,000/-. The offence committed by the petitioner came to light during the audit done in the year 2019, thereby, a case was registered and the petitioner was arrested.

3.The learned counsel appearing for the petitioner would submit that the petitioner was serving as Assistant Manager with Thachampattu Primary Agricultural Co-operative Credit Society for the past 20 years without any single allegation. During November 2015 to September 2016 he was working as Assistant Credit Manager and some members of the society applied for a loan and the loans were sanctioned to the respective members

after the recommendation of the President and the Secretary. Since the members have not repaid the loan amount, a case was registered as if the petitioner and other accused by fabricating the documents misappropriated the amount. He would further submit that the enquiry was conducted and 11 members who have availed the loans have paid the loan amount along with the interest and no loss has been caused to the Society. He would further submit that the petitioner is in custody from 02.09.2020 and the case of the prosecution was borne out by documents.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner was working as Assistant Credit Manager with Thachampattu Primary Agricultural Co-Operative Credit Society Ltd., and during November 2015 to September 2016, the petitioner along with other accused, by fabrication of documents, cheated the Society to the tune of Rs.19,62,000/-. She would further submit that during the enquiry, it was found that the amount has been repaid to the Society along with interest. She would further submit that investigation is pending.

5.Taking into consideration of the facts and circumstance of the case and the submissions of the learned Counsels. considering the fact that the entire misappropriated amount has been repaid and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Tiruvannamalai**, and on further conditions that;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 every day at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
29/09/2020

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,
TIRUVANNAMALAI.

2 THE JAILER,
SUB JAIL, TIRUVANNAMALAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE JAILER,
SUB JAIL, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
CCIW-THIRUVANNAMALAI POLICE STATION,
THIRUVANNAMALAI.

+1CC to M/S.SATHIYARAJ E. Advocate on payment of necessary charges SR NO.6506

CRL OP.14833/2020

Date :29/09/2020