

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16494 of 2020

K.Sugumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Commercial Crime Investigation Wing, (CCIW)
Namakkal District.
Crime No.3/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.3 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.M.Esakkiappan

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 477 A, 408, 409, 420, 109 and 114 of IPC in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Deputy Registrar of Co-operative Credit Society is that during the year 2012-2016, the petitioner, who is the clerk of the same society, along with the other accused misappropriated the Society funds to the tune of Rs.2,39,11,139/-. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the Deputy Registrar of Co-operative Society by order dated 11.09.2020 has passed an order of attachment under Rule 122 of the Tamil Nadu Cooperative Societies Rules to withhold a sum of Rs.26,39,195/- + 13.5% from the petitioner's salary and as on date an amount of Rs.3,000/- is

recovered from his salary to the credit of Mallasamudram Primary Agricultural Co-operative Credit Society, Nammakal District. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that during the year 2015-2016, the petitioner along with the other accused misappropriated the society funds to the tune of Rs.2,39,11,139/-. He further submitted that the custodial interrogation is very much required for further investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the allegations and the fact that the case is in the initial stage of the investigation and the amount involved is Rupees Two Crores and above that the custodial interrogation of the petitioner is essential, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

04/11/2020

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 INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING (CCIW),
NAMAKKAL DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. A.M.ESAKKIAPPAN Advocate on payment of necessary charges

CRL OP.16494/2020

Date :04/11/2020

cs 23/11/2020