

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

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

CrI.O.P.No.17202 of 2020

ASOKAN

... Petitioner

Vs.

State rep by
Inspector of Police
CCIW Police Station
Thiruvvarur, Thiruvvarur District.
(Crime No.01 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in in Crime No.01 of 2020 on the file of the respondent.

For Petitioner : Mr.J.P.Ravivarman

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

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 408, 409, 465, 468 and 477(A) of IPC, in Crime No.01 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Ramasuppu, Deputy Registrar, Co-operative Society, Mannargudi, is that through enquiry under Section 81 of Co-operative Societies Act, he came to know that during the period from 01.04.2013 to 31.01.2015, in Puthagaram Primary Agricultural Co-operative Society, the accused who is the Secretary, by fabrication of documents and falsification of accounts had misappropriated the amount of the Society to the tune of Rs.68,55,744.64/-.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that even as per the complaint, the allegation against the petitioner is that he has not properly maintained the accounts. He would submit that after the enquiry under Section 81, the petitioner has deposited a sum of Rs.41 lakhs in the account of the Society. Hence, he prays for grant of anticipatory

4. The respondent has filed a detailed counter.

5. The learned Additional Public Prosecutor would vehemently oppose stating that when the petitioner was working as a Secretary of the Puthagaram Primary Agricultural Co-operative Society, he had not properly maintained the accounts and he had fully used the public money for his personal use. Further, he had not remitted the loan amounts and misappropriated the amounts of the Society by fabrication of documents and tampering of accounts and caused loss to the Society to the tune of Rs.64,55,744.64/-. He would further submit that enquiry under Section 87 of Co-operative Societies Act was conducted during which, the criminal act of the petitioner came to light and a huge amount has been cheated by the petitioner and thereby, the custodial interrogation of the petitioner is very much required.

5. Taking into account the nature of offence and the submission of the learned Additional Public Prosecutor that a huge amount has been cheated and the custodial interrogation of the petitioner is required, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

18/11/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
CCIW POLICE STATION, THIRUVARUR,
THIRUVARUR DISTRICT.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.17202/2020

Date :18/11/2020

RVR 10/12/2020