



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.4394 of 2020

1. B.SHANTHINI
2. A.C.MURUGAN

... PETITIONERS/ACCUSED 1 & 2

VS

1.THE STATE OF TAMIL NADU,,
REP. BY THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI.
(CRIME NO.NOT KNOWN).

2.THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
USILAMPATTI AT THIRUMANGALAM,
JAWAHAR STREET,
THIRUMANGALAM,
MADURAI DISTRICT.

... RESPONDENTS/COMPLAINANT

For Petitioner : M/s.V.O.S.Kalaiselvam,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

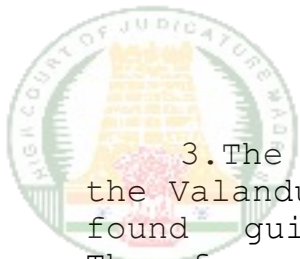
PRAYER :-

For Anticipatory Bail in Crime No. of 2020 on the file of the Respondent

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 468, 471, 420 and 120B of I.P.C., in Crime No.16 of 2020, on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (crl. side) appearing for the



3.The first petitioner herein who was working as a Secretary in the Valandur Primary Agricultural Co-operative Credit Society was found guilty of misappropriating a sum of Rs.96,00,000/-. Therefore, after enquiry under Section 81 of the Co-operative Societies Act, sur-charge proceedings under Section 87 was initiated. The property which was purchased from the ill-gotten money in the name of the second petitioner's wife, who is the first petitioner herein, was attached invoking Section 167(2) of the Co-operative Societies Act. The first petitioner had earlier approached this Court in W.P.(MD)No.3323 of 2012, seeking Mandamus to dispose of her petition filed under Rule 135 of the Tamil Nadu Co-operative Societies Act, 1988, challenging the conditional order of attachment. This Court, without expressing any opinion on the merits of the matter, directed the Deputy Registrar of Co-operative Society, Usilampatti at Thirumangalam to consider the application and pass orders on merits as expeditiously as possible. Now the present case registered against the petitioners is that taking advantage of the direction given by the Hon'ble High Court in W.P. (MD)No.3323 of 2012, dated 27.03.2012, the petitioners in connivance with certain unknown persons have forged the letters as if the Deputy Registrar of Co-operative Societies, Usilampatti has ordered to release the attachment and had produced the same to the Sub-Registrar and got the conditional attachment release order. Having come to know about the foul act of forgery, the complaint has been given by the concerned Deputy Registrar to the police for investigating the offences under Sections 406, 468, 471, 420 and 120B of IPC.

4.The learned Government Advocate (Crl. side) opposed this anticipatory bail contending that unless the petitioners are secured and interrogated and that it is difficult to proceed with the investigation, their abscondance has caused hindrance to the investigation.

5.The learned counsel for the petitioners would submit that the first petitioner is working as a Headmistress in a Primary School and that if she is arrested, her future career will be lost. Further, the learned counsel would also submit that as against her sur-charge proceeding is still pending and no finality has reached. Hence, anticipatory bail may be granted to the petitioners and that they are ready to co-operate with the investigation.

6.Considering the nature of the offence committed, this Court is of the opinion that without custodial interrogation, the entire crime will not come to light. The pendency of sur-charge proceedings is not the subject matter of investigation, but the act of forgery committed in the name of Deputy Registrar to benefit the petitioners and releasing the attached property is now the point for consideration. Unless the beneficiaries of the criminal act are



secured and investigated, there cannot be any proper progress in investigation. Since this not the appropriate time to entertain the anticipatory bail, this petition is dismissed.

sd/-
11/03/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.O.S.KALAISELVAM Advocate SR.No.5138

ORDER
IN
CRL OP(MD) No.4394 of 2020
Date :11/03/2020

SJI
JM/VR/SAR 3/19.03.2020/3P/4C