



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10925 of 2020

R.SOORYA GANDHI

... PETITIONER/3rd ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
CCIW-CID, VIRUDHUNAGAR DISTRICT.
CRIME NO. 2 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.C.P.Priya,
Advocate.

For Respondent : Ms.M.Anandhadevi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

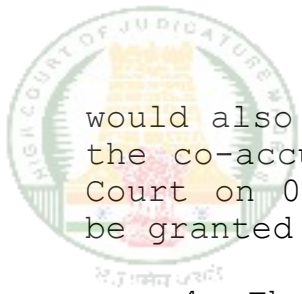
For Bail in Cr.No.2 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 17.08.2020 for the alleged offences under Sections 408,409,467,468,477(A),120(B) of IPC

2. There are totally three accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution is that while the petitioner was working as a Secretary of Aruppukottai Agricultural Producers cooperative Sales Society during the year 2008 to 2012 in the sale of fertilizers there was a misappropriation of society fund to the tune of Rs.32,53,996/-. Hence the complaint.

3. The learned counsel for the petitioner would submit that for the occurrence that took place during the year 2001 to 2008 enquiry under Section 87 of the Cooperative Society Act. He



would also submit that the petitioner is in jail from 17.08.2020 and the co-accused in this case namely A1 was released on bail by this Court on 05.10.2020 in Crl.O.P(MD) No. 10791 of 2020, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with two other persons had misappropriated the society fund to the tune of Rs.32,53,996/- during the year 2008 to 2012 in the Aruppukottai Agricultural Producers cooperative Sales Society while selling fertilizers to the farmers. In this regard enquiry was conducted under Section 87 of the Cooperative Society Act and found that the petitioner and two others have committed misappropriation of the society fund.

5. It is seen that there are three accused in this case and the petitioner herein is arrayed as A3. while the petitioner was working as a Secretary of Aruppukottai Agricultural Producers cooperative Sales Society during the year 2008 to 2012 in the sale of fertilizers there was a misappropriation of society fund to the tune of Rs.32,53,996/-, for which proceedings under Section 87 of the cooperative Society Act was initiated. It is also stated that A1 was released on bail by this Court on 05.10.2020 in Crl.O.P(MD) No. 10791 of 2020.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.II, Virudhunagar.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.2 of 2020 pending on the file of the learned Judicial Magistrate No.II, Virudhunagar without prejudice to his defence at the time of producing sureties and on such deposit being made, the learned Magistrate shall accept the sureties produced by the petitioner.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.



iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
CCIW-CID, VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.ANAND, Advocate (SR-6825[I] dated 07/10/2020)

ORDER

IN

CRL OP(MD) No.10925 of 2020

Date : 07/10/2020

AAV

JM/VR/SAR II/07.10.2020/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>