



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/11/2020

PRESENT

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

CRL OP(MD) . No.11106 of 2020

R.Vijayakumar

... Petitioner/Accused No.5

Vs.

The State through,
The Inspector of Police,
C.C.I.W.(C.I.D) Ramnad,
In Crime No.1/2018.

... Respondent/Complainant

For Petitioner : Mr.J.William Christopher,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 1 of 2018 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the offence punishable under sections 408, 409, 465, 468, 471, 477(A) r.w. Section 120(b) of I.P.C., in Crime No.1 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the period 2014-2017, a sum of Rupees Eighty One Lakhs has been alleged to have misappropriated by all the accused under 10 heads of accounts by manipulating the accounts, fabricating false documents, by illegally transferring the subsidies disbursed to the SHG, THADCO and by non disbursal of 7% grant to the Primary Agricultural Co-operative Societies aided by the State Government and by illegally transferring the deposits stands in the other head to their own accounts and their relatives accounts and the petitioner alleged to have conspired together with other accused and alleged to have facilitated the crime.

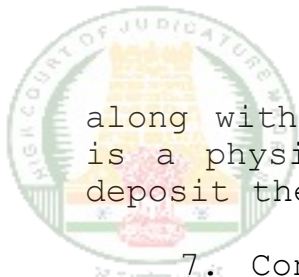
3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent



4.The learned Counsel appearing for the petitioner submitted that the petitioner while he was working as a temporary Employee of the Ramanathapuram District Co-operative Bank, Kamuthi Branch, an enquiry conducted under Section 81 of the Tamil Nadu Registration of Co-operative Societies Act, and found that there was misappropriation to the tune of Rs.81,00,000/-. Thereafter, Section 87 (1) enquiry was conducted and initiated sub-charge proceedings to all the accused. He further submitted that even according to the case of the prosecution, the petitioner is a temporary employee, viz., as a computer operator in the defacto complainant Bank and he has nothing to do with the offence as alleged by the prosecution. He further submitted that he was working as a temporary employee from the year 2013 and he rendered his unblemished service till date without any adverse remarks. In fact, on perusal of Section 87 (1) proceedings of the TamilNadu Registration of Co-operative Societies Act, all the liability foisted on A1 to A3 and while in the conclusion portion, it was stated the petitioner is also jointly responsible. He Further submitted that the petitioner is a physically challenged person and he could not be able to move and as such custodial interrogation of the petitioner do not require in this Case, since already Section 81 enquiry and Section 87 (1) sub-charge proceedings are also concluded. In fact he is also taking steps to challenge the proceedings under Section 87 (1) of the TamilNadu Registration of Co-operative Societies Act. Further the learned counsel appearing for the petitioner submitted that to show his bonafide the petitioner is ready and willing to deposit the original title deed for substantial amount.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused, in which, the petitioner is arrayed as A4. The petitioner, while he was working as a temporary computer operator with the defacto complainant Bank, there was misappropriation for a sum of Rs.81,00,000/- and add. Now, the defacto complainant also initiated sub-charge proceedings as against the petitioner, under Section 87 of the TamilNadu Registration of Co-operative Societies Act and found that the petitioner along with the accused persons, directed to pay the amount. So far as A1 to A3 are concerned, they were already arrested and subsequently, released on bail and the accused were directed to deposit the substantial amount.

6. It is seen that totally there are five accused in this case and the petitioner herein is arrayed as A4. While the petitioner was working as a computer operator, as temporary staff in the defacto complainant Bank, there was a misappropriation by the accused persons to the tune of Rs.81,00,000/- and add. On enquiry report, the complaint was lodged and now under Section 87 of the TamilNadu Registration of Co-operative Societies Act, proceedings also completed and directed the accused persons to pay the sum of Rs.81,00,000/- and add... In so far as the petitioner is concerned, case of the prosecution, he is equally responsible



along with the other accused persons. Admittedly, the petitioner is a physically challenged person and he is ready and willing to deposit the title deed for the substantial amount.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall deposit the original title deed stands in the name of the petitioner or his relatives or his friends, not less than the value of Rs.15,00,000/- (Rupees Fifteen lakhs only) with the proper valuation certificate issued by the authorities concerned to the credit of Crime No.1 of 2018 on the file of the learned Judicial Magistrate No.I, Ramanthapuram and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Ramanthapuram, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation;

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

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

(e) 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]; and;

sd/-
05/11/2020

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/ /2020
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.I,
RAMANATHAPURAM
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
C.C.I.W.(C.I.D),
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11106 of 2020
Date :05/11/2020

LS
PK/SMA/SAR-IV/11.11.2020 : 4P/5C