



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/10/2020

WEB COPY

PRESENT

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

CRL OP(MD) . Nos.11397 & 11444 of 2020

M.Kandhakumar

... Petitioner/Accused No.18
in Crl.OP(MD) No.11397 of 2020

1. E.K.Durairaj
2. Samboornam
3. Selvaraj
4. Rengaraj

... Petitioners/Accused Nos.12,13,14 & 17
in Crl.OP(MD) No.11444 of 2020

Vs

1. The Superintendent of Police,
Commercial Crime Investigation Wing,
O/o. Director General of Police,
Chennai.

2. The State Rep.by
The Inspector of Police,
CCIW Police Station, Tiruchirapalli.
In Crime No.2 of 2020.

... Respondents/Complainants
in both Crl.OPs.

In Crl.OP(MD)No.11397 of 2020

For Petitioner : M/s.M.Karunanithi,
Advocate.

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

In Crl.OP(MD)No.11444 of 2020

For Petitioner : M/s.A. Udhayakumar
Advocate.

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

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



COMMON PRAYER :- For Anticipatory Bail in Crime No.2 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A-12, 13, 14, 17 & 18 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120B, 467, 458, 471, 477A, 408, 409 and 420 of IPC, in Crime No.2 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that based on the complaint lodged by the Deputy Registrar, Co-operative Societies, Musiri Circle, Trichy District alleging the the Secretary and the Board of Directors including President have committed various financial irregularities in granting loan to the self-help groups in R1618, Varatharajapuram Primary Agriculture Co-operative Credit Society during the period from 01.04.2016 to 30.09.2018. Further alleged that under section 81 of the Tamil Nadu Cooperative Societies Act, enquiry was conducted and found that all the accused persons have cheated public fund to the tune of Rs.9 Crores. Hence, a complaint has been registered.

3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioners would submit that the petitioners are elected administrative members of the Society and they have no way connected with the President and Secretary of the Society and the entire allegations only as against the Secretary and President who cheated the society fund. He further submitted that the petitioners are being Board of Directors they committed an offence only that they have committed lack of dereliction of supervising duty, except this they have not committed any offence and they have not misappropriated any amount as alleged by the defacto complainant. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police would submit that they have conducted enquiry in 81 of the societies and they found that the petitioners are Board of Directors along with President and Secretary of the Society they disbursed loan amount to the beneficiaries and also created fake loan account as well as fixed deposits and misappropriated to the tune of Rs.9 crores. He further submitted that the President and Secretary were already arrested and released on bail and no recovery has been made till today and therefore the custodial interrogation of the petitioners is very much required in this case.

6. It is seen from the records that totally there are 20 accused in which the petitioners are arrayed as A-12, 13, 14, 17 & 18. It is seen from the records that enquiry was conducted under Section 81 of the Societies Act, they



found that in R1618, Varatharajapuram Primary Agriculture Co-operative Credit Society, the President and Secretary and Board of Directors have committed various financial irregularities in granting loan to the self help group and also disbursing loan amount to fictitious persons and also fixed deposits, thereby misappropriated to the tune of 9 crores. Sofar as, the respondent police have arrested President and Secretary and no recovery was made till date. On perusal of the report submitted by they Deputy Registrar by conducting under Section 81 of the Societies Act, the petitioners have committed specific role and cheated to the tune of more than Rs.9 Crores. Therefore, the custodial interrogation of the petitioners is very much required and in such circumstances, this Court is not inclined to grant anticipatory bail.

7. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
15/10/2020

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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 SUPERINTENDENT OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
O/O. DIRECTOR GENERAL OF POLICE, CHENNAI.
2. THE INSPECTOR OF POLICE,
CCIW POLICE STATION, TIRUCHIRAPALLI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

IN
CRL OP(MD). Nos.11397 & 11444 of 2020
Date :15/10/2020

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AE/JC/SAR-II (02.11.2020) 3P 4C