



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.11779 of 2020

N.Rethinam

... Petitioner/Accused No.16

Vs

The State rep. by
The Inspector of Police,
C.C.I.W Police Station,
Trichy District.
Crime No.02/2020.

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.02 of 2020 on the file of the respondent police.

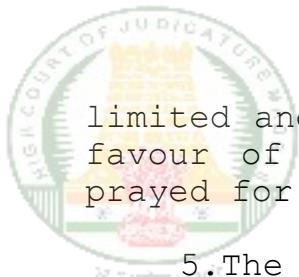
ORDER : The Court made the following order :-

The petitioner/A16, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 467, 468, 471, 477A, 408, 409 and 420 IPC in crime No.02 of 2020 on the file of the respondent poice, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that huge amount was misappropriated by disbursing loan to bogus self help groups by the petitioner and other accused and caused great financial loss to the Co-operative Society. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. The petitioner was elected as member of the Society during 2019 and the duties and responsibilities of the petitioner was



limited and she only signed in the resolutions which were passed in favour of the self help groups. And hence, the learned counsel prayed for anticipatory bail to the petitioner.

5.The learned Government Advocate(Criminal Side) submitted that similar placed persons' petitions for anticipatory bail were dismissed by this Court in Crl.O.P.(MD)Nos.11397, 11444 of 2020. Insofar as the petitioner herein is concerned, she is also one of the Board of Director and she signed the resolution passed and disbursed loan in the name of bogus persons and caused great financial loss to the Society. Therefore, custodial interrogation of the petitioner is very much necessary to complete the investigation and he prayed for dismissal of this petition.

6.It is seen that there are totally 20 accused, in which the petitioner is arrayed as A16. Admittedly, the petitioner is also one of the Board of Director to the Society. All the Directors, Secretary have disburse the loan amount in favour of bogus self help groups and swindle all the amount.

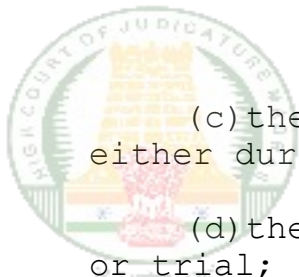
7.The learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit titly deed.

8.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner is a 62 years old lady, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall deposit a title deed stands in her name or in her relative's name or in her friends' name worth about Rs.One Crore along with the property valuation certificate from the Authorities competent, before the concerned Court.

9.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two 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 at 10.30 a.m., for period of four weeks and thereafter as and 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;

WEB COPY (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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/11/2020

/ TRUE COPY /

/ /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, TRICHY.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE INSPECTOR OF POLICE,
C.C.I.W POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11779 of 2020
Date :02/11/2020

GNS
SRS/JC/SAR-IV/18.11.2020/3P/5C

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