



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2020

PRESENT

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

CRL OP(MD). No.11762 of 2020

1. P.Jeganathan
2. A.R.Selvaraj
3. Anitha

... Petitioners/Accused No.15,19&20

Vs

State Rep. by
The Inspector of Police,
Commercial Crime Investigation Wing. CID,
(CCIW-CID),
Trichy.
(Crime No.2 of 2020)

... Respondent/Complainant

For Petitioners : M/s.T.Vadivelan, Advocate.
For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

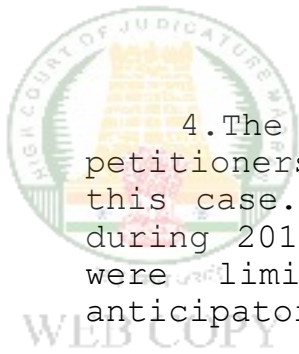
For Anticipatory Bail in Crime No.2 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.15, 19 and 20, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 467, 468, 471, 477(A), 408, 409 and 420 IPC in crime No.02 of 2020 on the file of the respondent poice, seek 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 petitioners and other accused and caused great financial loss to the Co-operative Society. Hence, the complaint.



4.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. The petitioners were elected as member of the Society during 2013 and the duties and responsibilities of the petitioners were limited. And hence, the learned counsel prayed for anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.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 petitioners herein are concerned, the first petitioner is the member of the Board, the second petitioner is the Board of Director and the third petitioner is the Ex-Board of Director. They 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 petitioners 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 petitioners are arrayed as A15, A19 and A20. All the Directors, Secretary have disbursed the loan amount in favour of bogus self help groups and swindled all the amount.

7.The learned counsel for the petitioners would submit that the petitioners are ready and willing to deposit title deed.

8.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the condition that

(i)the first petitioner shall deposit a title deed stands in his name or in his relative's name or in his friends' name worth about Rs.50 lakhs along with the property valuation certificate from the Authorities competent, before the concerned Court.

(ii)the second petitioner shall deposit a title deed stands in his name or in his relative's name or in his friends' name worth about Rs.One Crore along with the property valuation certificate from the Authorities competent, before the concerned Court.

(iii)the third petitioner shall deposit a title deed stands in her name or in her relative's name or in her friends' name worth about Rs.50 lakhs along with the property valuation certificate from the Authorities competent, before the concerned Court.

9.On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

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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,
MUSIRI, TRICHY DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING. CID,
(CCIW-CID), TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.11762 of 2020
Date : 03/11/2020

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