



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

Date : 26/11/2020

PRESENT

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

CRL OP(MD). No.12825 of 2020

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

... Petitioners/Accused
No.12,14 and 17

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.
Crime No.2 of 2020.

... Respondents/Complainants

For Petitioners: Mr.P.Andiraj,
Advocate.

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

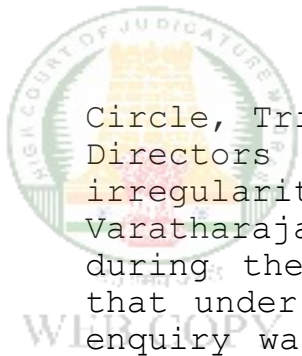
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

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/A-12, 14 and 17 apprehending arrest at the
hands of the respondent police for the offences punishable under
sections 120B, 467, 468, 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 that 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 petitioners and the learned Government Advocate (criminal side).

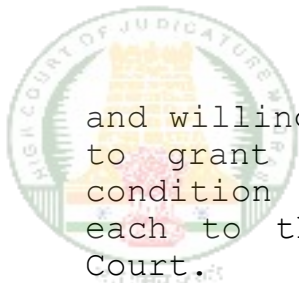
4.The learned counsel appearing for the petitioners would submit that the petitioners are elected administrative members of the Society and they have no way connected with the President and Secretary of the Society and the entire allegations only as against the Secretary and President who cheated the 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. On enquiry 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.

7.The learned counsel for the petitioners would submit that the petitioners are ready and willing to deposit a sum of Rs.50 lakhs.

8.Taking into consideration the facts and circumstances of the case, the learned judge taking note of the fact that the petitioners are ready



and willing to deposit a sum of Rs.50 lakhs, this Court is inclined to grant anticipatory bail to the petitioners subject to the condition that the petitioners shall deposit a sum of Rs.50 lakhs, each to the credit of Crime No.2 of 2020, before the concerned Court.

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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 learned Judicial Magistrate, Musiri, Tiruchirapalli District, 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;

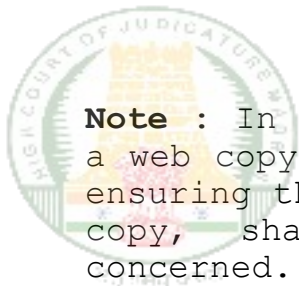
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
26/11/2020

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE,
MUSIRI, TIRUCHIRAPALLI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI DISTRICT.
- 3.THE SUPERINTENDENT OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
O/O.DIRECTOR GENERAL OF POLICE, CHENNAI.
- 4.THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
TIRUCHIRAPALLI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12825 of 2020
Date :26/11/2020

VSG
TK/PN/SAR.2/08.12.2020/4P/6C