

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.1015 of 2021

Karunanithi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
CCIW, Cuddalore Police Station,
Cuddalore District.
(Crime No.5 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.5 of 2019 pending investigation on the file of the Respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A1. He has been charged with for the offence punishable under Sections 120(B), 406, 408, 467, 468, 471 & 477 (A) of I.P.C. in Crime No.5 of 2019 and now, he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioner is working as Accountant in a Co-operative Society. The petitioner and A1, Special Officer have misappropriated the funds of the society to the tune of Rs.1.26 crores. Earlier, the enquiry under Sec.81 of the Tamil Nadu Cooperative Societies Act was ordered. Based on the report submitted by the Enquiry Officer, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed by the petitioner seeking anticipatory bail.

3. The learned counsel appearing for the petitioner submitted that the petitioner is only working as Accountant and A2 is working as Special Officer in the Co-operative Society. He would

submit that A1 was already granted anticipatory bail by this Court in CrI.O.P.No.18942 of 2020 on 21.12.2020. He would submit that now, the entire amount alleged to have been misappropriated has been repaid. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with A2 misappropriated huge amount of public money and the entire misappropriated amount has been repaid by them along with interest. He would submit that A2 was also granted anticipatory bail. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard the rival submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that now the main accused, A2, Special Officer was granted anticipatory bail, the petitioner is only working as Accountant and also considering the fact that the entire amount has been repaid along with interest, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate No.I, Cuddalore, on condition that the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 as and when required;

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
27/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCIW, CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO. 896

WEB COPY

CRL OP.1015/2021

Date :27/01/2021

MN-04/02/2021