

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2124 of 2021

1. G.Krishnamoorthi
2. S.Govindaraj
3. S.Ganesan

... Petitioners

-Vs-

The Inspector of Police,
CCIW,
Thiruvarur District.
(Crime No.02 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in Crime No.02 of 2020 on the file Inspector of Police, CCIW, Thiruvarur District.

For Petitioners : Mr.P.Muthamizhselvakumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 408, 409, 465, 471 and 477A of IPC, in Crime No.02 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that one Karthikeyan is the defacto complainant, who is the Deputy Registrar working as Thiruvarur Cooperative Society, the petitioners were employees of a Cooperative Society, and misappropriated the Society fund to the tune of Rs.18,86,563/- Further, an enquiry was ordered Section 81 of the Co-operative Society Act, and after enquiry, report was filed to the effect that the petitioners had misappropriated the amount to the tune of Rs.18,86,563/-. Hence, the complaint was registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and there is no way connected with this crime and they have been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioners. He would further submit that the petitioners are ready and willing to deposit considerable amount without prejudice to their contention and prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners had misappropriated the amounts to the tune of Rs.18,86,563/-. He would further submit that co-accused had deposited a sum of Rs.10 Lakhs and the remaining of Rs.8,00,000/- yet to be recovered from the accused. He would further submit that there is no previous case pending as against the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the investigation is also completed and that the co-accused had already deposited a sum of Rs.10 Lakhs and there is no previous case pending as against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, each of the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.2 of 2020, on the file of Judicial Magistrate Court, Nannilam, Thiruvavarur District within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate Court, Nannilam, Thiruvavarur District, 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 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] before executing sureties, each of the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.2 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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].

[h] 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/-

22/02/2021

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 COURT,
NANNILAM, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCIW, THIRUVARUR DISTRICT.

+1CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges SR NO.2179

CRL OP.2124/2021

Date :22/02/2021

MK:04/03/2021



WEB COPY