

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3820 of 2021

P.Ramesh Rajamani

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
CCIW, Tiruvallur
Tiruvallur District.
(Crime No.1 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1 of 2021 on the file of respondent police.

For Petitioner : Mr.C.Prakasam

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are two accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 23.01.2021 for the offence punishable under Sections 408, 477(A) of I.P.C. r/w 34 of I.P.C. in Crime No.1 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner was working as Secretary in Uthukottai Primary Agricultural Cooperative Credit Society, Uthukottai, Tiruvallur District. The society has advanced jewel loan to various members, and while redeeming the jewel loan, the petitioner and A2 have received money from the members and without accounting the same, they have misappropriated to the tune of Rs.16,61,055/-. Earlier, an enquiry under Sec.81 of the Co-operative Societies Act, was ordered and the enquiry officer has held that the petitioner along with A2 has misappropriated the fund. The report was filed in the year 2015 and thereafter, in the year 2021, the present complaint was given against the petitioner. Accordingly, he was arrested and remanded to judicial custody on 23.01.2021. Now, the present petition has been filed seeking for bail.

3. Mr.C.Prakasam, learned counsel appearing for petitioner would submit that the occurrence taken place in the year 2013. He would submit that even though Sec.81 enquiry was completed in the year 2015, the complaint has not been lodged till 2021. All the amount has been misappropriated by the Board of Directors. He would further submit that the petitioner has also filed a Writ Petition before this Court, that apart, the petitioner was suspended and he is in jail for more than one month. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposing the petition on the ground that the petitioner along with A2 have misappropriated the fund to the tune of Rs.16 lakhs. She would submit that now the investigation is completed and A2, who is working as Junior Clerk was also arrested. She would submit that no previous bad antecedents against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the occurrence taken place in the year 2013 and even though Sec.81 enquiry was completed in the year 2015, but the complaint was given only in the year 2021. It is also stated that a departmental enquiry is also pending against the petitioner and now, the investigation is almost completed and also considering the period of incarceration suffered by the petitioner from 23.01.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of crime No.1 of 2021 on the file of respondent police within a period of four weeks from the date of releasing him on bail and to 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 learned District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur Dt. and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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

-sd/-
26/02/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHUKOTTAI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCIW, TIRUVALLUR,
TIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, TIRUVALLUR,
TIRUVALLUR DISTRICT.

+1CC to M/S. C.PRAKASAM Advocate on payment of necessary charges SR NO.2429

CRL OP.3820/2021

Date :26/02/2021