



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13053 of 2021

K.CHANDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CCIW CID,
TIRUVANNAMALAI.
(CRIME NO.02/2020)

[RESPONDENT]

For Petitioner : M/S. V.JAYAPRAKASH NARAYANAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

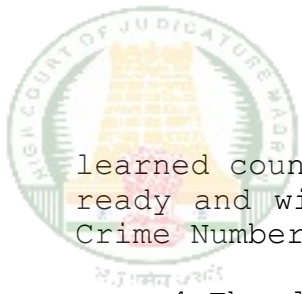
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 408, 409, 465, 471, 477(A), 420 IPC r/w 109 and 120(B) in Cr.No.2 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that pursuant to certain irregularities found in Audit report pertaining to Thachampattu Primary Agricultural Co-operative Credit Society, an order was passed to conduct enquiry under Section 81 of Tamil Nadu Co-operative Societies Act, 1983 and on conclusion of enquiry, it is found that the main accused who had been on the day to day administration of the Society, have misappropriated a sum of Rs.37,50,848/- with the connivance of the officials of the said Cooperative Society.

3.The learned counsel appearing for the petitioner submitted that the petitioner is only a Member of the Cooperative Society. He has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the



learned counsel submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Crime Number .

4.The learned Additional Public Prosecutor submitted that there are totally 24 accused persons in this case and by falsifying the accounts, misappropriated a sum of Rs.37,00,000/- and odd. The accused persons have already paid a sum to the tune of Rs.19,62,000/- and balance of Rs.17,88,848/- is yet to be paid and there are no previous cases against the petitioner .

5.Considering the nature of the case and based on the undertaking that the petitioner is ready to deposit the amount, I am inclined to grant anticipatory bail to the petitioner .

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thiruvannamalai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall shall make deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.2/202 on the file of the respondent Police without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the Thachampattu Primary Agricultural Cooperative Society that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the Thachampattu Primary Agricultural Cooperative Society Society. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily as and when required until further orders;

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



(f) the petitioner 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 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]; and;

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

-sd/-

03/08/2021

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.II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CCIW CID,
TIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. V.JAYAPRAKASH NARAYANAN Advocate on payment of necessary charges SR.NO.8191

CRL OP.13053/2021

Date :03/08/2021

CSK 18/08/2021