



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14683 of 2021

N.SHANKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CCIW, DHARMAPURI.
CRIME NO. 1 OF 2021.

[RESPONDENT]

For Petitioner : M/S. A.ARUN Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 408, 477A and 120B of IPC. in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the President had misappropriated a sum of Rs.5,85,803/- from the Co-operative Society, Dharmapuri. Hence, the complaint has been given by the Deputy Registrar of Co-operative Society.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submit that subject matter of enquiry into surcharge proceeding under Section 87 of the Tamil Nadu Co-operative Society Act, is pending before the learned Principal District and Sessions Judge, Dharmapuri in C.M.A.(CS).No.2 of 2017. The learned counsel, on instructions, further submitted that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.3,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that there is no previous case pending as against the petitioner and the petitioner is ready and willing to deposit a sum of Rs.3,00,000/- to the credit of crime number, this Court is 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 Chief Judicial Magistrate, Dharmapuri, 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) the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime No.1 of 2021 before learned Chief Judicial Magistrate, Dharmapuri, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to his defence in the case.

(b)the petitioner and 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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

(f)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;



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

WEB COPY

-sd/-

16/09/2021

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,
DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CCIW, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. A.ARUN Advocate on payment of necessary charges

CRL OP.14683/2021

Date :16/09/2021

APN 23/09/2021