



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.09.2021

PRONOUNCED ON : 30 .09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.15749 of 2021

M.Veerakumar

...Petitioner

Versus

The Inspector of Police,  
CCIW Police Station,  
Erode District.  
Cr.NO.1/2021

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of arrest by the respondent Police in Crime No.1 of 2021 on the file of the respondent Police.

For Petitioners : Mr.G.Sankaran

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl. Side)

### ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 120-B, 406, 408, 409, 420, 467, 468, 471 and 477-A 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 Secretary of the P.E. Tamil Nadu Cooperative Textile Processing Mill Employees Thrift and Credit Society Limited, Erode, (hereinafter referred to as 'the Society') who is the petitioner herein, along with 11 other accused, who are the members of the Society have entered into a criminal conspiracy and collected various loan amounts but had not accounted the same with the Society and have illegally sanctioned loan in other names and to non members and had produced false loan details pertaining to the Society and fabricated documents and, thereby, committed criminal breach of trust by forging the valuable security for the purpose of cheating by using forged documents as genuine documents and falsifying the accounts of the Society and embezzled a total amount of Rs.2,29,87,915/- from the Society. Therefore, the



Deputy Registrar of the said Society has lodged a criminal complaint before the law enforcing agency against the erring employees of the Society.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. The said allegation is related only to the other Officers of the Society, who had ill-motive against the petitioner. The petitioner is no way connected with the alleged illegal act of misappropriation. Further it is submitted that as against the enquiry initiated for the acts of misappropriation, Writ petition was filed by the petitioner in W.P.No. 13660 of 2021 in which, this Court had stayed all the pending proceedings and further directed the enquiry to be conducted by a superior officer and that being the position, the misappropriation having not been established, roping the petitioner as one of the accused in the crime is not sustainable and therefore, he prays that the petitioner to be granted anticipatory bail.

4. Per contra, learned Government Advocate appearing for the respondent submitted that the criminal prosecution is a separate mechanism and is no way connected with the Section 81 enquiry. This Court in the above said Writ Petition has only stayed all the further proceedings and directed for conduct of enquiry afresh. Such being the case, the petitioner on a technicality that the proceedings has been stayed, cannot seek anticipatory bail when the allegation levelled against the petitioner for misappropriation, is of a very large magnitude, as misappropriation is to the tune of Rs.2.20 crores and if the petitioner is enlarged on bail, definitely there is every possibility of tampering with witnesses and hampering the investigation, which would create hardship for the investigating agency to proceed further with the investigation. The petitioner has filed this petition before this Court only to escape from the clutches of law and to drag on the investigation proceedings and, hence, he vehemently opposed grant of anticipatory bail to the petitioners.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.

6. The main contention of the petitioner is that the proceedings relating to the enquiry ordered by the Cooperative Society has been stayed by this Court in W.P.No.13660 of 2021 and therefore, fixing the responsibility for misappropriation of amount to the tune of Rs.2.20 crores, on the petitioner is wholly unsustainable and, therefore, he should be enlarged on bail. Though such a contention is advanced, a perusal of the order in W.P.Nos.13660 of 2021 reveals that this Court, considering the gravity of the offence and voluminous proportion of misappropriation, had thought it fit to appoint a person in the superior cadre for conducting the



investigation, as the Court was of the view that persons even in the cadre of Deputy Registrar were also seen to have been involved in the said misappropriation. Only for that purpose, the enquiry was ordered to be conducted by a superior official. No clean chit has been given by the Court to the petitioner herein in the said case.

7. Be that as it may. Even if it is to be accepted that the proceedings have been stayed and further enquiry has been ordered, that would not in any way put breaks on the prosecution in conducting the investigation relating to misappropriation under the penal provisions. The magnitude of the offence of misappropriation which has been committed and in which the petitioner is also alleged to have been one of the culprits, is very large, and without proper enquiry, the culpability of the persons, who were involved in the offence cannot be found. The petitioner also being one such person, who is alleged in the said act of misappropriation, enlarging him on bail at this point of time by relying on the said decision would be wholly inappropriate as the said decision has not conferred any affirmative benefit on the petitioner by absolving him from the offence.

8. Enlarging the petitioner on bail at this point of time in an allegation of such large magnitude would be wholly inappropriate. Further the departmental enquiry and the criminal prosecution are parallel proceedings and merely because some order has been passed in relation to the enquiry proceedings, that cannot enure to the benefit of the petitioner in the criminal prosecution.

9. According to the investigating agency, the matter is still under investigation. In such a backdrop, this Court, keeping in mind the quantum of money misappropriated and the necessity for the investigating agency to examine witnesses relating to the transaction, is of the considered view that enlarging the petitioner on anticipatory bail at this point of time, when investigation is being conducted by the law enforcing agency, would have a detrimental effect not only in the conduct of the investigation, but also in the matter of jeopardizing the rights of the defacto complainant.

10. For the reasons aforesaid, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

30/09/2021

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 PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE  
CCIW POLICE STATION, ERODE DISTRICT.

+1 CC to M/S G.SANKARAN Advocate on payment of necessary  
charges SR.NO.10952

CRL OP.15749/2021

Date :30/09/2021

RW 07/10/2021