



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16407 of 2021

R.RAJARAMAN

[PETITIONER / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
CCIW CID, VILLUPURAM,
VILLUPURAM DISTRICT.
(CR.NO.NOT KNOWN OF 2021)

[RESPONDENT]

For Petitioner : M/S. C.PRAKASAM Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. 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 408, 420 & 471 of I.P.C in Cr.No.not known of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A4 was the President of the Melpakkam Primary Agricultural Cooperative Credit Society, who was relieved from the said post in the year 2017, failed to supervise the secretary of the said society, since a huge amount was misappropriated by the secretary while he was in service. The Deputy Registrar of Cooperative Societies ordered enquiry u/s 81 of Tamil Nadu Cooperative Societies Act alleging that the Secretary of the said society has misappropriated more than Rs.37 Lakhs and he was absconded. Hence the De-facto Complainant lodged a case before the law enforcing agency against the accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However on instructions, on his own volition without prejudice to his rights, ready to deposit a sum of Rs.8 Lakhs in favour of Primary Agricultural Cooperative Credit Society, Melpakkam. Hence prays for grant of anticipatory bail.



4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case. Since the defacto complainant was cheated for huge sum of money by the accused persons, he strongly opposed to grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner that the petitioner on his own volition, without prejudice to his rights, is ready to pay a sum of Rs.8 Lakhs in favour of the aforesaid society, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Tindivanam Villupuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 make a non refundable deposit in favour of the Primary agricultural Cooperative Credit society for a sum of Rs.8,00,000/- (Rupees Eight Lakhs) without prejudice to his defence before the trial Court and 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 at 10.30 a.m. 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 petitioners 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.

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-sd/-
09/09/2021

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-II,
TINDIVANAM.VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CCIW CID, VILLUPURAM,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.PRAKASAM Advocate on payment of necessary
charges SR.NO.9959

CRL OP.16407/2021

Date :09/09/2021

CSK 22/09/2021