

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.18855 of 2020

R.INDRA

[PETITIONER/ACCUSED]

Vs

1 STATE REP BY
INSPECTOR OF POLICE,
CCIW CID WING,
OLD SITCO CORPORATE OFFICE,
THIRU VI KA INDUSTRIAL ESTATE,
GUINDY, CHENNAI-600 032
CRIME NO.01/2020

[RESPONDENTS/COMPLAINANTS]

2 STATE REP BY
DEPUTY DIRECTOR OF INDUSTRIES AND COMMERCE,
(IND & COOP), CHENNAI.

For Petitioner : M/S G.RAVISHANKAR Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest in connection with the case in Crime No.1 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 408, 409, 468, 471, 477A, 420 read with 120(B) 34 IPC, is before this court seeking anticipatory bail.

2. There are totally 21 accused and she was working as Deputy Director of Co-operative Society. The case of the prosecution is that the society sanctioned land to various persons for the purchase of autorickshaw but, few of them had failed to repay the loan. The allegation against the petitioner is that he failed to take possession of the hypothecated vehicle when the loanee committed default in repayment so as to re-allot the same to the other eligible members.

3. The learned counsel for the petitioner would submit that the petitioner was in service of Deputy Director of Co-operative Society from June 2006 to July 2011 and the loans were sanctioned much prior to her service. There is no allegation of misappropriation. The only accusation is that the petitioner did not take action for taking possession of the hypothicated vehicles when the loanee committed default in the repayment of loan and re-allot the same to the eligible members. According to the learned counsel, all other accused had been granted bail.

4. The learned Additional Public Prosecutor would strongly oppose the granting of anticipatory bail. He would, however, submit that the co-accused have been granted bail.

5. Considering the fact that the petitioner was working as Deputy Director of Co-operative Society and there is no allegation of misappropriation and all other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XI Metropolitan Magistrate, Saidapet, Chennai, on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall make himself available for interrogation as and when required by the police.

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
02/03/2021

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 XI METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCIW CID WING, OLD SITCO CORPORATE OFFICE,
THIRU VI KA INDUSTRIAL ESTATE, GUINDY,
CHENNAI-600 032

5 THE DEPUTY DIRECTOR OF INDUSTRIES AND COMMERCE,
(IND & COOP), CHENNAI.

+1 CC to M/S G.RAVISHANKAR Advocate on payment of necessary charges SR NO. 2707

WEB COPY

CRL OP.18855/2020

Date :02/03/2021

MN-12/03/2021