



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

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THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos.21592 and 21596 of 2021

1.G.K.Azhageasan

...Petitioner
(in Crl.OP.No.21592/2021)

2.K.Devasenapathy

3.J.Samundeeswari

...Petitioner
(in Crl.OP.No.21596/2021)

Vs.

The Inspector of Police,
CCIW CID, Industrial Estate,
Guindy, Chennai
Crime No. 1 of 2021

... Respondent
(in both Crl.OPs)

Common Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.1 of 2021 on the file of The Inspector of Police, CCIW CID, Industrial Estate, Guindy, Chennai

For Petitioners : Mr.C.Prakasam

(in both Crl.OPs)

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

(in both Crl.OPs)

COMMON ORDER

The petitioners who were apprehend arrest for the alleged offence under Sections 408, 409, 468, 471, 477-A & 109 IPC in Crime No.1 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners were working as a Special officers in Sembakkam Cooperative Housing Society in various designations, during that period they had committed irregularities in the said Society and misappropriated the funds to the tune of Rs.1,76,00,000/-. Thereby, the defacto complainant lodged a complaint against the petitioner.

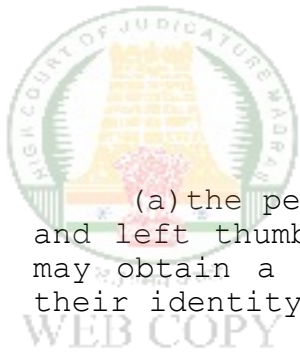
3. The learned counsel appearing for the petitioners submits that petitioners are erstwhile special officers in Sembakkam Cooperative Housing Society. It is the Society Secretary one Chandrasekaran who misappropriated the funds as stated above, but, the defacto complainant included the petitioners name along with elected board of Directors name and other special officers names by stating that they failed to supervise the Secretary. He further submits that in pursuant to the Section 81 Enquiry Report, Section 87 Surcharge Proceedings were initiated against the other employees of the said society. He further submits that the defacto complainant already initiated proceedings U/s 167 of Tamil Nadu Cooperative Societies Act and attached the Secretary's property worth about more than three crores and taking steps to bring the same for public auction and he further submits that the petitioners are senior citizens. Therefore, he he prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) raised objection by stating that the misappropriated amount involved in this case is more than Rs.1,67,00,000/- and proceedings under Section 87 of surcharge order is pending. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Heard both sides.

6.Considering the pending proceedings under Section 87 of surcharge order and subsequent attachment proceedings and also considering age of the petitioners and their ailments, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on anticipatory 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-I, Chengalpattu, Chengalpattu District on condition that each of the petitioners shall execute separate bonds 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) the petitioners 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;

(b) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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 petitioners released on anticipatory 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;

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

-sd/-
18/11/2021

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.I, CHENGALPATTU, CHENGALPATTU DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
CCIW CID, INDUSTRIAL ESTATE,
GUINDY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. C.PRAKASAM Advocate on payment of necessary charges
SR.NOS.13212 & 13213

CRL OP.21592 & 21596/2021

Date :18/11/2021

JPA 26/11/2021