



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21356 of 2021

MANIVEL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
TIRUVARUR,
TIRUVARUR DISTRICT.
(CRIME NO.05/2021)

[RESPONDENT]

For Petitioner : M/S.SWAMISUBRAMANIAN Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 408, 465, 468 and 477 (A) of IPC, in Crime No.05 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one of the defacto complainant conducted enquiry under Section 81 of Co-operative Societies Act. During the period from 01.04.2015 to 30.09.2018, the petitioner herein was the Secretary of Moovarkottai Primary Agricultural Co-operative Society. The petitioner/accused has not properly maintained the accounts and misappropriated the public money of Rs.8,02,536/-. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that, after 81 enquiry proceedings, the petitioner has deposited a sum of Rs.2,00,000/- to the credit of the Society. The petitioner is an innocent person and no way connected to the alleged prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits that as per the auditor's report from the year 2013 to 2018 there was misappropriation of funds in the society, in which the petitioner was also actively participated in the said allegation. The Learned Government Advocate (Crl.side) further submits that, 81 proceedings is pending before the Registrar of Co-operative Societies and the petitioner has also deposited a sum of Rs.2,00,000/-.

5. Considering the above fact that the investigation is almost completed. Since the age of the petitioner is 60 years as well as enquiry already commenced which is pending before the Registrar of Societies and the petitioner is ready to abide any conditions imposed by this Court. Hence, 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 **Judicial Magistrate-I, Mannargudi Thiruvarur District**, 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 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 petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.**

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

(d) the petitioner 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 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;



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

WEB COPY

-sd/-
16/11/2021

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, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.12909

CRL OP.21356/2021

Date :16/11/2021

TA-18/11/2021