



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand Twenty One
PRESENT

WEB COPY

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.24367 of 2021

G.KUPPUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSEPECTOR OF POLICE,
CCIW(CID), VILLUPURAM,
CRIME NO.2/2021

[RESPONDENT]

For Petitioner : M/S P.RAJENDRAN Advocate

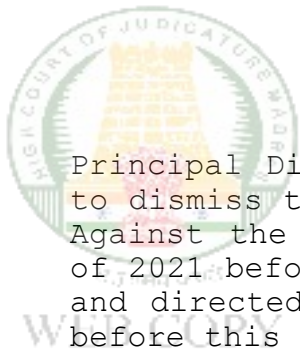
For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 408, 471, 477A of IPC, in Crime No.2 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as Secretary of CLSPL-148 Melpakkam Primary Agricultural Co-operative Bank, Melpakkam, Marakkanam Taluk, Villupuram District. An enquiry was ordered by the Deputy Registrar of Co-operative Societies, Tindivanam Under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, to enquire into the alleged irregularities in the said Co-operative Bank. The Co-operative Sub Registrar, Olakkur was appointed as Enquiry Officer and the enquiry commenced on 22.05.2018 and the Enquiry Officer completed the enquiry on 13.11.2018 and submitted his report on 23.11.2018. Based on the report of the Enquiry Officer holding that a loss of Rs.37,83,786/- was caused to the society, surcharge proceedings under Section 87(1) of the Tamil Nadu Co-operative Societies Act, 1983 were initiated by the Deputy Registrar of Co-operative Societies, Tindivanam and the said officer held that the petitioner and two others were liable to pay a sum of Rs.37,83,786/- together with interest at the rate of 12% per annum from the date of loss till the date of realisation. Aggrieved by the said order of surcharge, the petitioner filed an appeal in CMA.No.19 of 2019 before the Co-operative Tribunal,



Principal District Judge, Villupuram. The learned Judge was pleased to dismiss the said appeal by a judgment and decree dated 16.02.2021. Against the said judgment, the petitioner has preferred CRP.No.2190 of 2021 before this Court and this Court was pleased to admit the CRP and directed the Departmental Authorities to produce all the records before this Court. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that totally there are five accused involved in this case and the defacto complainant is one Gurusamy, Deputy Registrar and this petitioner (A1) is the Secretary of Primary Agricultural Co-operative Society and A1 to A5 colluded together misappropriated a sum of Rs.38,94,190/- and the misappropriated amount not yet recovered and the petitioner is still absconding and the investigation is pending and further he submits that the arrest of the petitioner is required for investigation purpose and if the petitioner is released on anticipatory bail, there is no chances for tampering the witnesses and hampering the investigation and hence, he strongly opposed to release the petitioner on anticipatory bail.

5. Considering the above facts and circumstances of the case and the nature of allegations against the petitioner as also the fact that the investigation is in the early stage, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

23/12/2021

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 CO-OPERATIVE TRIBUNAL,
PRINCIPAL DISTRICT JUDGE, VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSEPCTOR OF POLICE,
CCIW(CID), VILLUPURAM.

CC to M/S P.RAJENDRAN Advocate on payment of necessary charges

CRL OP.24367/2021

Date :23/12/2021

RVR 07/01/2022