



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.633 of 2021

Selvaraj

... Petitioner/2nd Accused

Vs

State Rep by,
The Inspector of Police,
CCIW Police Station,
Thanjavur District
Crime No.2 of 2019.

... Respondent/Complainant

For Petitioner : Mr.S.Ramsundarvijayaraj Advocate for
M/s.Veera Associates,

For Respondent : Mr.Seenivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

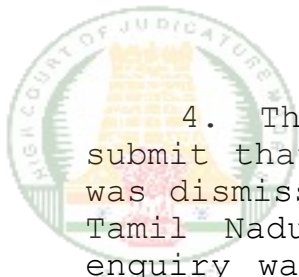
For Anticipatory Bail in Crime No.2 of 2019 on the file of the
Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl.Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 408,
409, 471 and 477(A) of I.P.C., in Crime No.2 of 2019 on the file of
the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner herein is
a Salesman in T.1738 Chinnamuthandipatti Primary Agricultural Co-
operative Credit Society and he along with Al Murugan have caused
financial loss to the tune of Rs.27,40,991/- to the Society. Hence,
a case in Crime No.2 of 2019 has been registered against him. The
petitioner has already filed two anticipatory bail petitions before
this Court and the same were dismissed. Now, the petitioner has
filed the third anticipatory bail petition.



4. The learned counsel appearing for the petitioner would submit that on the earlier occasion, the anticipatory bail petition was dismissed on the ground that the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was pending. Now, the 81 enquiry was concluded and the enquiry officer has held that A1 is responsible for the misappropriation and the petitioner has no role. In view of the change of circumstance, he prayed for anticipatory bail.

5. The Inspector of Police, C.C.I.W. Police Station, Thanjavur is present before this Court and submitted that the investigation not yet completed and the learned Government Advocate (Crl.side) vehemently opposed for grant of anticipatory bail to the petitioner.

6. The learned counsel appearing for the petitioner on instructions would submit that in order to prove his bona fide, the petitioner is ready to deposit a sum of Rs.5,00,000/-.

7. Though the case was registered in the year 2019, till date the Law Enforcing Agency has not taken any steps to secure the petitioner and complete the investigation and further, considering the fact that the petitioner himself has come forward to deposit a sum of Rs.5,00,000/-, in order to prove his bona fide, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Thanjavur, on condition that the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of T.1738 Chinnamuthandipatti Primary Agricultural Co-operative Credit Society and produce the receipt of the deposit amount of Rs.5,00,000/- before the Court and 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 to 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness
<https://hccourtsonline.org.in/hccservices> 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.III
THANJAVUR
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM
- 3.THE INSPECTOR OF POLICE,
CCIW POLICE STATION, THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.VEERA ASSOCIATES, Advocate SR.No.665

ORDER
IN
CRL OP(MD) No.633 of 2021
Date :02/02/2021

AKV

<https://hccs.csls.gov.in/Case/02.02.2021> : 3P/6C