



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

Date : 12/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1477 of 2021

V.Durairajan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
CCIW Police Station,
Virudhunagar District.
Crime No.1 of 2021.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

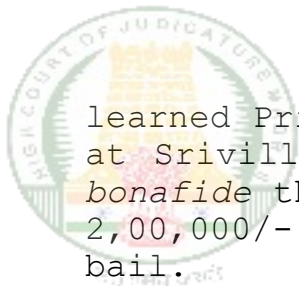
For Bail in Crime No.1 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 06.01.2021 for the offences punishable under Sections 408, 409, 468, 471, 477(A) r/w.120(b) of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that petitioner is the former President of SPSPL-68 Kalayarkurichi Primary Agricultural Co-operative Society and A3 was working as a clerk of the society, A1 was the Ex. Secretary of the Society. During the period 01.04.2013 to 20.05.2017, the petitioner along with other accused created a forgery document as if the loan was given to customers using the same as genuine, maintained false accounts and misappropriated a sum of Rs.20,94,000/-. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was only the President of the society and he was not directly involved in the day to day affairs of the Society. He would also submit that A3 in this case was granted bail by the



learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur. He would also submit that in order to show his *bonafide* the petitioner is ready and willing to deposit a sum of Rs. 2,00,000/- to the credit of the society, hence he may be granted bail.

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4. The learned Government Advocate (Crl.Side) would submit that the petitioner is the former President of SPSPL-68 Kalayarkurichi Primary Agricultural Co-operative Society and during the period 01.04.2013 to 20.05.2017, the petitioner along with other accused created a forgery document as if the loan was given to customers using the same as genuine, maintained false accounts and misappropriated a sum of Rs.20,94,000/-

5. It is seen that the petitioner is the Ex.President of the Society. The petitioner is uneducated and restrict villager. Though 10 charges has been initiated against the petitioner as regards this petitioner only charges no.5 are made against him and the other charges are levelled against other petitioners. This petitioner has signed and acknowledged the receipts and payments. The petitioner was suffering from vision problem. It is also seen that the petitioner is having only one property and it is also an inherited property even before he became the President of the Society and now also he is having no other property. It is also stated that A3 in this case was granted bail by the learned Principal District and Sessions Judge, Virudhunagar.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the petitioner had come forward to deposit a sum of Rs.2,00,000/- to the credit of the society without prejudice to his rights both in the proceedings under the Cooperative Act and under the Criminal Law, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.II, Virudhunagar

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) On release the petitioner shall deposit a sum of Rs.2,00,000/- to the credit of the society on or before 05.03.2021. Further it is made clear that no further extension period will be given for any reason and the bail granted to the petitioner shall stand automatically cancelled and the respondent police shall immediately secure the petitioner, if the petitioner cause default in

