



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.6878 of 2021

P.VASANTHA

... PETITIONER/SOLE ACCUSED

VS

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
CCIW CID,
PUDUKKOTTAI.

(CRIME NO.2 OF 2021)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.G.THALAIMUTHARASU
ADVOCATE.

FOR RESPONDENT : MR.P.KOTTAI CHAMY
GOVERNMENT ADVOCATE

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

PRAYER :-

For anticipatory bail in crime no.2 of 2021 on the file of the respondent police

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 408, 467, 468, 471 and 477 (A) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Secretary of Co-operative Society at Varapur, Pudukottai. She has committed misappropriation to the tune of Rs.19,22,929/-. The said offence was committed during the year 2018-2019 and the same has been revealed in the report of the Enquiry Officer who conducted the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. The complaint was lodged on 16.11.2020. Thereafter, the case has been registered.



3.The learned counsel for the petitioner would submit that the petitioner has remitted a sum of Rs.8,68,000/- to the Society on 19.10.2019 and 18.08.2020 and therefore, the petitioner has rectified the loss caused to the Society and the same was accepted by the Enquiry Officer. Without verifying the same, the respondent Police has mechanically registered the complaint.

4. However, when this matter was taken up for hearing on 21.05.2021, there was representation from the learned counsel for the petitioner that the petitioner is ready to pay the balance amount within a period of two months. Accordingly, the petitioner was granted interim anticipatory bail for a period of two months. The paragraphs 5, 6 and 7 of the said order reads as follows:

*"5. Without going into the merits of the case, considering the nature of the allegation made against the petitioner and the undertaking given by the petitioner and also of the fact that the petitioner is a lady, this Court is inclined to grant interim anticipatory bail to the petitioner for a period of **two months** with certain conditions:-*

(i)The petitioner has to pay the balance amount within two months from today to the defacto complainant's office.

(ii) the petitioner shall report before the respondent police once in a week i.e., on Monday at 10.30 a.m. for interrogation till then.

6. In the event of arrest, the petitioner is directed to be released on interim bail on his executing a **personal** bond for Rs.10,000/- (Rupees Ten Thousand only) without sureties to the satisfaction of the respondent police. Further, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.283 of 2021 **before the learned Judicial Magistrate NO.II, Pudukkottai, from the date of resumption of regular work in subordinate Courts, in view of the present pandemic situation.**

7. Call the matter after two months."

Thereafter, this case was listed for hearing on 03.08.2021 and adjourned to 11.08.2021. The petitioner has paid a further sum of Rs.1,00,000/- on 10.08.2021.

5. On, 11.08.2021, the learned Government Advocate (Criminal Side) strongly opposed this petition on the ground that the total



amount of misappropriation is 19,22,929/-, whereas, the petitioner has repaid only a sum of 9,68,000/- and Rs.9,54,929/- is yet to be recovered from the petitioner. He has also placed the proceedings of the Deputy Registrar, Pudukottai in Na.Ka.No.2259/2020, dated 10.08.2021 in this regard. Considering the rival submissions, this Court granted further interim anticipatory bail to the petitioner up to 25.08.2021 and directed the petitioner to appear before the respondent Police daily and co-operate with the investigation.

6. Today, ie., 27.08.2021, the learned Government Advocate (Criminal Side), on instructions, would submit that this petitioner has not appeared for the enquiry and has sent a letter to the respondent Police on 19.08.2021 claiming that during the year 2019-2020, she has paid a sum of Rs.10,51,630/-. Thereafter, prior to the enquiry, she has paid a sum of Rs.8,68,000/- and another sum of Rs.1,00,000/- has been paid by her after the registration of case. Accordingly, it is stated in the letter that she has paid a sum of Rs.20,19,603/- and there is no due to the Society.

7. Admittedly, this petitioner working as a Secretary of the Society has misappropriated the money from the Society and has also taken the benefit of interim anticipatory bail as if she would settle the amount in due course of time. The petitioner has repaid only a part of the amount and has failed to repay the remaining amount. Considering the nature of offence and the conduct of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

8. The respondent Police is directed to secure the petitioner and report before this Court on 16.09.2021.

sd/-
27/08/2021

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

mbi

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.II
PUDUKKOTTAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT

3.THE INSPECTOR OF POLICE,
CCIW CID,
PUDUKKOTTAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6878 of 2021

Date :27/08/2021

GC/SKN/SAR-I(08.09.2021) 4P 5C