



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14030 of 2021

R.Vijayakumar

... Petitioner/Accused No.4

Vs

The State through
The Inspector of Police,
C.C.I.W(C.I.D) Ramnad.
(in Crime No.1/2018).

... Respondent/Complainant

For Petitioner : M/s.Willaim Christopher.J, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No. 1 of 2018 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 alleged offences punishable under Sections 408, 409, 465, 468, 471, 477(A) r/w 120(b) of IPC, in Crime No.1 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that during the period 2014-2017, a sum of Rupees Eighty One Lakhs has been misappropriated by all the accused under 10 heads of accounts by manipulating the accounts, fabricating documents, by illegally transferring the subsidies disbursed to the SHG, THADCO and by non disbursal of 7% grant to the Primary Agricultural Co-operative Societies aided by the State Government and by illegally transferring the deposits standing in the other heads to their own accounts and their relatives accounts and the petitioner conspired together with other accused and have facilitated the crime.



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

4. The learned Counsel appearing for the petitioner submitted that the petitioner while was working as a temporary employee of the Ramanathapuram District Co-operative Bank, Kamuthi Branch, an enquiry conducted under Section 81 of the Tamil Nadu Registration of Co-operative Societies Act, and found that there was misappropriation to the tune of Rs.81,00,000/-. Thereafter, Section 87 (1) enquiry was conducted and sub-charge proceedings were to all the accused. He further submitted that even according to the case of the prosecution, the petitioner is a temporary employee, viz., as a computer operator in the defacto complainant Bank and he has nothing to do with the offence as alleged by the prosecution. He further submitted that he was working as a temporary employee from the year 2013 and he rendered his unblemished service till date. In fact, on perusal of Section 87 (1) proceedings initiated under the Tamil Nadu Registration of Co-operative Societies Act, all the liability are foisted on A1 to A3 and while in the conclusion portion, it was stated the petitioner is also jointly responsible. He further submitted that the petitioner is a physically challenged person and he could not move and as such, custodial interrogation of the petitioner does not require in this Case, since already Section 81 enquiry and Section 87 (1) sub-charge proceedings are also concluded. In fact, he is also taking steps to challenge the said conclusion. Further, the learned counsel appearing for the petitioner submitted that to show his bonafide the petitioner is ready and willing to deposit the original title deed for substantial amount. He further submitted that this Court has already considered the case of the petitioners and granted anticipatory bail to them, vide order dated 05.11.2020, made in Crl.OP(MD)No.11106 of 2020, with certain conditions. But, the petitioner could not arrange sureties due to the Covid-19 pandemic and therefore, he has moved this second anticipatory bail application. Therefore the learned Counsel prayed for appropriate orders.

5. The learned Government Advocate would submit that this is the second anticipatory bail petition. This court in Crl.O.P(MD). No.11106 of 2020 dated 05.11.2020 has granted anticipatory bail to the petitioner on condition that the petitioner shall deposit the original title deed, standing in the name of the petitioner or his relatives or his friends, not less than the value of Rs.15,00,000/-. He would further submit that the petitioner did not comply with the conditions till date and filed this petition after a year.

6. After getting order from this Court, the petitioner has not taken any steps to arrange sureties and deposit the original title deed, standing in the name of of the petitioner or his relatives or his friends, therefore, they have moved this second anticipatory bail application after a year.



7. Considering the conduct and the attitude of the petitioner and non-compliance of the condition so far, this Court is not inclined to grant anticipatory bail to the petitioner.

8. In the result, this Criminal Original Petition is dismissed.

Sd/-
28/09/2021

/ TRUE COPY /

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

TTA/CSM

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 Inspector of Police,
C.C.I.W(C.I.D) Ramnad.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.14030 of 2021
Date :28/09/2021

SP/SKN/SAR III/26/10/2021/3P/3C