



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

Date : 25/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18207 of 2021

L.RAJENDRAN,
S/O.LAKSHMANAN,
NO.1/1989/11-1, JAKKA
DEVI NAGAR, PANDIAN NAGAR,
VIRUDHUNAGAR POST AND DISTRICT. ... PETITIONER/SOLE ACCUSED

VS

THE INSPECTOR OF POLICE,
CCIW(CID),
VIRUDHUNAGAR.
(CR.NO. 2 OF 2021). ... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.PETHANRAJ C G,
ADVOCATE.

FOR RESPONDENT : MR.R.MEENAKSHI SUNDARAM,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER :-

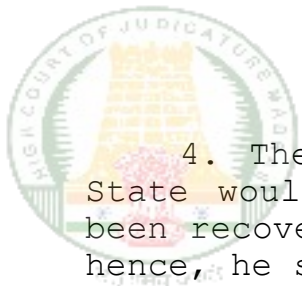
For Bail in Crime No. 2 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 04.10.2021 for the offence punishable under Sections 408, 468, 471, 477(A) I.P.C., in Crime No.2 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that when this petitioner was working as a Secretary at Q.1157 O.Mettupatti Primary Agricultural Co-operative Credit Society, he had misappropriated a sum of Rs.5,47,996/- and committed criminal breach of trust, without disbursing any jewel loan to the customers, by creating forged documents. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the defacto complainant had ordered surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act against the petitioner and arrived at a loss of Rs.3,76,830.40/-. The learned Counsel would further submit that the petitioner is innocent and he has not committed any alleged misappropriation and he is under judicial custody from 04.10.2021 and hence, he seeks bail to the



4. The learned Additional Public Prosecutor appearing for the State would state that the alleged misappropriated amount has not been recovered from the accused and the investigation is pending and hence, he strongly opposes for granting bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and also perused the materials placed on record.

6. Admittedly, the petitioner is the Secretary of A.1157 O.Mettupatti Primary Agricultural Co-operative Credit Society. It is not in dispute that the surcharge proceedings, under Section 87 of the Tamil Nadu Co-operative Societies Act, were initiated and the Deputy Registrar has passed an order mulcting liability on the petitioner and loss to the Society was quantified at Rs.3,76,830.40/-.

7. The learned Counsel for the petitioner would submit that before surcharge proceedings, he has remitted Rs.2,27,308/-. He would further submit that the petitioner has already filed an appeal before the District Court/Co-operative Society Tribunal, Srivilliputtur, challenging the order passed under surcharge proceedings and the same is pending.

8. The learned Counsel for the petitioner would further submit that the Joint Registrar had already taken disciplinary proceedings and after completion of the same, the petitioner was imposed with punishment of stoppage of increment for three years.

9. Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 04.10.2021 and also the fact that the petitioner has already been imposed with punishment in the disciplinary proceedings, this Court is inclined to grant bail to the petitioner subject to the following conditions:

10. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Virudhunagar and on further conditions that;

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) the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.



v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/11/2021

/ TRUE COPY /

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

SSL

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.2,
VIRUDHUNAGAR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR
- 3.THE SUPERINTENDENT,
THE SUB JAIL, VIRUDHUNAGAR.
- 4.THE INSPECTOR OF POLICE,
CCIW(CID), VIRUDHUNAGAR.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DISTRICT COURT/CO-OPERATIVE SOCIETY TRIBUNAL,
SRIVILLIPUTTUR.

ORDER
IN
CRL OP(MD) No.18207 of 2021
Date :25/11/2021

GC/VR(25.11.2021) 3P 7C

<https://hcservices.ecourts.gov.in/hcservices/>