



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.1050 of 2022

MARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
THIRUVARUR ,
THIRUVARUR DISTRICT
CRIME NO. 03 OF 2021

[RESPONDENT]

For Petitioner : M/S.SWAMISUBRAMANIAN Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor'

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Sections 408, 465, 468 and 477A of IPC in Crime No.03 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is working as Deputy Registrar Co-operative Society, Thiruvarur had conducted an enquiry under Section 81 of Co-operative Societies Act on 16.09.2019 and found that during the period from 2009 to 2013, the petitioner is the Godown in charge of Thanjavur Cooperative Marketing Federation, Thiruvarur, during the above said period, he has not properly maintained the accounts and used the public money for his personal use and also misappropriated the amount of the society by fabricating the society accounts and thereby, he caused loss to the society to the tune of Rs.24,17,344/- and the enquiry



report was submitted on 22.06.2020 and thereafter, the recovery proceedings under Section 87 of Co-operative Societies act was initiated as against the petitioner and the final order has been passed on 02.03.2021 in which the loss to the society was arrived at Rs.46,79,147/-. Based on the complaint made by the defacto complainant, the respondent police has registered the case against the petitioner.

3. The learned counsel appearing for the petitioner submits that though the enquiry officer arrived the conclusion that the petitioner herein alone responsible for the entire loss to the society to a tune of Rs.26,88,085/- and ordered to recover the same from the salary and terminal benefits of the petitioner and hence, 75% of his monthly salary was taken by the department for the above loss and the petitioner got only 25% of his salary by the proceedings of the Sub-Registrar dated 11.06.2021. He further submits that the petitioner is about 52 years and he is having various body ailments and now he is under medication on the advice of the doctors and due to his health problem, he was transferred to other department as Senior Assistant.

4. The learned Additional Public Prosecutor raised strong objection by stating that the petitioner has misappropriated a sum of Rs.26,00,000/- of the society by fabricating the society accounts he has not properly maintained the accounts and used the public money for his personal use.

5. Considering the fact that the petitioner has misappropriated a sum of Rs.28,00,000/- and also considering the gravity of the offence committed by the petitioner, this is the second anticipatory bail application, there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
THIRUVARUR, THIRUVARUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary
charges

CRL OP.1050/2022

Date :21/01/2022

RW 27/01/2022