



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3429 of 2022

1 C.KAVERI
2 V.KANNAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION,
WING (CCIW),
KRISHNAGIRI.
CRIME NO.1 OF 2021

[RESPONDENT]

For Petitioner : M/S.M.S.PALANISWAMY Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 408, 477(A), 120(B) of IPC in Cr.No.1 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A-4 and A-5 alleged to have misappropriated the funds of the society to the tune of Rs.29,72,736/-. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. The learned counsel, on instructions, would further submit that without prejudice to their rights, the petitioners are ready to deposit the amount of Rs.2,00,000/- each, in total Rs.4,00,000/- in favour of the kk117, Malayandihalli Primary Agricultural Co-operative Society Limited. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioners alleged to have misappropriated the funds of the society to the tune of Rs.29,72,736/-. He further submitted that this Court already enlarged A-2, A-3 and A-4 on anticipatory bail with the condition to deposit a sum of Rs.2,00,000/- each in Crl.O.P.No.16467 of 2021 on 09.09.2021. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that the petitioners are ready and willing to deposit Rs.2,00,000/- each, in total Rs.4,00,000/- in favour of the kkl17, Malayandihalli Primary Agricultural Co-operative Society Limited , this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Krishnagiri, on condition that the petitioners shall execute separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners shall deposit an amount of Rs.2,00,000/- each, in total Rs.4,00,000/-(Rupees Four Lakhs Only) within a period of four weeks from the date of receipt of a copy of this order in favour of KK117, Malayandihalli Primary Agricultural Co-operative Society Limited and produce the receipt before the Judicial Magistrate-II, Krishnagiri at the time of execution of sureties.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/02/2022

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 JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION,
WING (CCIW), KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
KK117, MALAYANDAHALLI PRIMARY AGRICULTURAL
CO-OPERATIVE SOCIETY LIMITED, GANDHI NAGAR,
THIMAPURAM POST, KRISHNAGIRI DISTRICT.

+1 CC to M/S.M.S.PALANISWAMY Advocate on payment of necessary charges SR.NO. 2497

CRL OP.3429/2022

Date :17/02/2022

RW 22/02/2022