



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11288 of 2022

RAJASEKAR

[PETITIONER / ACCUSED]

Vs

THE STATION HOUSE OFFICER
CCIW CID,
CUDDALORE POLICE STATION,
CUDDALORE DISTRICT
(CRIME NO.4/2022)

[RESPONDENT]

For Petitioner : M/S R.VEERAMANI Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.04.2022 for the alleged offence under Sections 120-B, 408, 468, 471, 477-A of IPC in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons conspired together and fabricated documents and have misappropriated to the tune of Rs.1.59 Crores. There are totally 20 accused persons in this case and the petitioner has been arrayed as A-19.

3. The learned counsel for the petitioner submitted that the alleged misappropriation is said to have taken place between the period from 06.04.2015 to 05.01.2020 and the petitioner had joined as a Circle Supervisor only on 09.07.2018. The learned counsel further submitted that, it is the petitioner who alerted the officials regarding misappropriation that had taken place in the Society. But



Unfortunately, the petitioner has been made as one of the accused in this case. The learned counsel further submitted that pursuant to the report submitted under Section 81 of the Co-operative Societies Act, surcharge proceedings were initiated under Section 87 of the said Act and the liability has been specifically fixed on the office bearers and no liability has been mulcted against the petitioner, that by itself, shows that the petitioner has nothing to do with the alleged offence. The learned counsel further submitted that the petitioner has also suffered incarceration for nearly 20 days.

4. Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioner was a Circle Supervisor and he was in-charge of maintaining accounts and therefore, the misappropriation could not have taken place without the petitioner having his hand on the alleged offence and a total sum of Rs. 1.59 Crores has been swindled. The learned Government Advocate (Crl. Side) further submitted that considering the seriousness of the allegations involved in the present case and also the fact that investigation is yet to be completed by the respondent police, the learned Government Advocate sought for dismissal of this petition.

5. This Court has carefully considered the submissions made on behalf of either side and the materials available on record.

6. The petitioner had joined as a Circle Supervisor in the year 2018 and the alleged misappropriation had taken place during the period from 06.04.2015 to 05.01.2020. Pursuant to the report submitted under Section 81 of the Co-operative Societies Act, surcharge proceedings were initiated and orders were passed on 13.09.2021, by the Joint Registrar of Co-operative Society, wherein, specific liability of each of the persons who had involved in the misappropriation, has been fixed and there is no mention about the involvement of the petitioner and no liability has been fixed on the petitioner. This is the prima facie material that is available before this Court and the same has to be taken into consideration, while considering this bail petition.

7. In view of the same, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Panruti, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b] the petitioner shall report before the respondent police on every friday at 6.00 p.m, for a period of six weeks and thereafter, as and when required for interrogation.

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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PANRUTI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE STATION HOUSE OFFICER
CCIW CID, CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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+1 CC to M/S R.VEERAMANI
charges SR.NO. 7194

Advocate on payment of necessary

CRL OP.11288/2022

Date :18/05/2022

RW 18/05/2022