



Crl.O.P.No.21192 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 465, 468, 471, 477-A r/w 34 of IPC, 1860 in Crime No.3 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the A1 is the Ex-Secretary of Central Cooperative Bank, Thanjavur and A2 is the Field Manager in the said Bank. The allegation is that A1 along with A2/petitioner had given loan to the customers by fabricating the documents and had committed misappropriation of funds to the tune of Rs.1,14,60,363/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioners is working as a field manager in the Central Cooperative Bank, Thanjavur and even as per the report of enquiry under Section 81 of Tamil Nadu Cooperative Societies Act, liability has been



CrI.O.P.No.21192 of 2022

fixed on the Secretary one Tamilvanan/A1 and the Special Officer one Jayaprakash and further, the Secretary himself has disbursed 8 KCC loans in the name of his relatives and friends. He would submit that the petitioner has nothing to do with the alleged offence and the petitioner has been exonerated by the Cooperative Sub Registrar by his report dated 02.05.2016. Strangely, the Special Officer one Jayaprakash has been left out and the petitioner has been dragged in the proceedings. The petitioner was made as an scape goat in the proceedings. He would submit that the entire facts are borne out by documents. The petitioner is ready to appear before the respondent and cooperate for enquiry. Hence, he prays to grant anticipatory bail to the petitioner.

4. The respondent has filed a detailed counter and the relevant paragraphs of the counter are extracted here under:-

“8. It is further submitted that during the course of investigation, A1 is disbursed 8 KCC loans in his own relative namely his mother Dhanabackiam (1loan), (2) Wife Dhanalakshmi (4loans), (3) Brother Tamil mani (1loan) and his son Siva (2 loans) and thus



Crl.O.P.No.21192 of 2022

misappropriated a sum of Rs.6,77,800/-. Further petitioner/A2 as the capacity of field manager has not conducted field inspection, helped A1 to disburse loan to relatives of A1, without perusing genuinity.

9. It is further submitted that the A2/petitioner loan were created with fiction names and misappropriated sum of Rs.50.13 lakhs to the society. The A2 as a field manager did not scrutinize the loans application forms and related documents properly. He also did not ensure whether the money reached the genuine members. He did not sent report properly regarding disbursement of loans to the financing bank namely Thanjavur Central Cooperative Bank. Petitioner/A2 miserably failed to do his duty and conspired with other accused and misappropriated funds of society.”

5. The learned Government Advocate (Crl.side) would submit that the petitioner is the field manager in the Central Cooperative Bank, Thanjavur and the Deputy Registrar of Cooperative Societies, Mannargudi one C.Ramasuppu had conducted inspection in the said Bank and found that the petitioner along with A1 had committed



Crl.O.P.No.21192 of 2022

misappropriation of funds to the tune of Rs.1,14,60,363/-. During the course of enquiry under Section 81 of Tamil Nadu Cooperative Societies Act, it is found that A1 disbursed 8 KCC loans in the name of his relatives and friends and A2/petitioner as a filed manager, without conducting field inspection had helped A1 to disburse the loan to the A1's relatives without perusing the genuinity. Hence, he opposed to grant anticipatory bail to the petitioner.

6. In reply, learned counsel for the petitioner would submit that the petitioner was not at all aware of the loan given by A1 and the entire process was suppressed by A1 and that only if the genuine loan was granted, the petitioner would be asked to go for inspection.

5. Taking note of the facts and submission made by the learned counsel and also taking note of the fact that the allegation is only in respect of A1 and the petitioner has been exonerated by the Cooperative Sub Registrar by his report dated 02.05.2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, petitioner is ordered to be released on bail in the



CrI.O.P.No.21192 of 2022

event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District** on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a]the petitioner and 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 every day at 10.30 am for a period of four weeks and thereafter every Saturday at 10.30 am until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

A.D.JAGADISH CHANDIRA.J,

shk



Crl.O.P.No.21192 of 2022

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]***; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

26.09.2022

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Crl.O.P.No.21192 of 2022