



Crl.O.P.No.21434 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 alleged offences punishable under Sections 408, 477 A & 109 IPC in Crime No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant/Deputy Registrar of Cooperative Societies is that the petitioner along with the other accused, by fabrication of documents and issuance of loans to the fictitious persons had misappropriated the funds from the Melvasalai Thodakka Velanmai Co-Operative Society, Neerpeiyar Village, Madurantakam to the tune of Rs.7,48,290/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an elected President of Melvasalai Thodakka Velanmai Co-Operative Society from 09.05.2013 and during the relevant period, A1 is the Secretary of the Co-Operative Society. He would also submit that the petitioner is an innocent person and he is not aware of



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anything and there is no criminal intent on the part of the petitioner and that even in the surcharge proceedings, the petitioner has been found having loss in respect of item 2 (Jewel Loan) along with the Secretary and the Office Assistant. He would further submit that without prejudice, the petitioner is prepared to deposit one third of the amount, which has been foisted on the petitioner, to any welfare scheme of the Government and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with the other accused, who were the Secretary and the Office Assistant of the Melvasalai Thodakka Velanmai Co-Operative Society, respectively, had fabricated the documents and misappropriated the funds of the Society to the tune of Rs.7,48,290. He would also submit that as far as the petitioner is concerned, being an in charge of item 2 (Jewel Loan), he had misappropriated to the tune of Rs.3,27,293/- along with other two accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit one third of the amount to the Credit of the Co-Operative Society, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) to the credit of Melvasalai Thodakka Velanmai Co-Operative Society and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Chengalpet on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees



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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 morning at 10.30 a.m. and evening at 5.30 p.m., until further orders;

[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



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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;

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