



Crl.O.P.No.24763 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 120B, 409, 420, 468, 471, 477A of IPC in Crime No.1 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Vengatachalam, Deputy Registrar of Zaminelam Palli Primary Co-operative Society is that the petitioners are arrayed as A4 to A8 and during the period between 01.04.2013 to 29.04.2016 while working as Directors in the said Cooperative Society, by fabrication of documents and falsification of accounts, had cheated the Society to the tune of Rs.2,14,07,833/-. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, since they happened to be the Directors during the relevant point of time. He would also submit that the petitioners were nominal directors



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and other than attending the board meeting, they have nothing to do with the fabrication of documents and falsification of accounts. He would further submit that enquiry under Co-operative Societies Act has been conducted by the Deputy Registrar of Co-operative Societies, Tiruchengode and the liability has been fixed only at A1 to A3, who are the Secretary, Society Clerk, Ex-President during the relevant point of time and their properties have also been attached. Further, he would submit that the only averment as against the petitioners is that they have signed in the resolution. However, the petitioners are not the beneficiaries to the prosecution. Further, he would submit that the petitioners were called for enquiry and the petitioners have duly appeared for the enquiry and after completion of the investigation, the respondent has also filed a final report and the case has been taken up for hearing, in C.C.No.464 of 2022 on the file of the learned Judicial Magistrate No.II, Namakkal and the matter has been posted for hearing on 22.11.2022 and the petitioners have also received the summons. Now, the investigation has been completed and the case has been taken up for trial. He would also submit that there is no requirement of custodial interrogation of the petitioners. He would further submit that the petitioners are ready to



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abide any stringent condition as imposed by this Court and they are ready to appear before the Trial Court and co-operate for the speedy disposal of the case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that during the period between 01.04.2013 to 29.04.2016 while working as Directors in the above said Cooperative Society, by fabrication of documents and falsification of accounts, the petitioners have cheated to the tune of Rs.2,14,07,833/-. He would also submit that the respondent has filed the final report and the same has been taken on file in C.C.No.464 of 2022 by the learned Judicial Magistrate No.II, Namakkal. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels and perused the materials available on record. Taking into consideration the facts and circumstances of the case and the fact that the investigation has been completed and the case has been taken up in C.C.No.464 of 2022 and further, the custodial interrogation of the petitioners may not be required and the entire case is



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borne out by documents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the **learned Judicial Magistrate, Paramathi**, on condition that each of the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 petitioners 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 petitioners shall report before the learned Judicial Magistrate No.II, Namakkal on all working days at 10.30 a.m. for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate.



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

18.11.2022

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Note: Issue order copy on 22.11.2022.



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