



CrI.O.P.No.25865 of 2022

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T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 408, 409 and 477(a) of IPC in Crime No.01 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Deputy Registrar of Co-operative Societies, Vellore and the petitioner is the President of Synampattadai Primary Agriculture Co-operative Credit Society. During the period from 21.10.2016 to 04.05.2020, there was some financial irregularities committed by the staffs of the Society by way of crop loan to the members of the Society. However, from 11.08.2018, the petitioner was the President of the Society. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was falsely implicated in this case since, he happened to be the President during the relevant point of time. He would also submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.1,00,000/- (Rupees One Lakh Only)** to the credit of the crime number.



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Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) would submit that based on the recommendation of Section 81 enquiry report, dated 30.07.2020, surcharge proceeding was initiated and fixed liability of a sum of Rs.38,92,982/- against the petitioner and others. Aggrieved by the order, the petitioner has filed a Writ Petition in W.P.No.18656 of 2022, which has been remanded back to conduct fresh enquiry. Pursuant to which, an order has been passed fixing the liability against the petitioner and another for a sum of Rs.21,41,634/-. Out of which, a sum of Rs.5,52,000/- alone has been paid and a balance sum of Rs.15,89,634/- is yet to be paid. He would also submit that the properties of K.Venkatesan/A2 has been attached and a proposal has been given for attaching the properties of petitioner/A1. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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



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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 II, Vellore**, on condition that the petitioner shall execute 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 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 shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only)** to the credit of the crime number within a period of three weeks from the date on which the order copy made ready, before the **learned Judicial Magistrate II, Vellore**;

[b] 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;

[c] the petitioner shall report before the respondent Police on every Wednesday at 10.30 a.m. for a period of four



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months;

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

[e] the petitioner 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 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]**;

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

12.12.2022



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