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CrI.O.P.No.25399 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 Sections 120-B, 409, 465, 468 and 471 of IPC and Section 13 (2) read with 13(1)(c) of the Prevention of Corruption Act 1988 in Crime No.4/2021/AC/ER on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners who are respectively the President and Secretary of Kandappa Goundan Valasu Primary Agricultural Co-Operative Society by fabrication of documents pertaining to the customers have granted loans as if they are eligible persons and cheated the Bank to the tune of Rs.1,16,74,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the persons who have taken loan have also repaid the amount within a period



Crl.O.P.No.25399 of 2022

of 1 year and that as per the report of the Registrar of Co-Operative Society, there is no loss to the bank. He would further submit that the petitioners in order to show their bonafide are prepared to deposit original title deeds not less than value of Rs.10,00,000/- along with the valuation certificate obtained from the authority concerned to the credit of Crime No.4 of 2021 and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that as per the scheme, the eligible customers are entitled for loan without interest for one year. The petitioners by fabrication of documents have granted loan to ineligible persons. He would further submit that the amounts have been repaid within a period of 1 year and there is no loss to the Bank. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case and also the undertaking given by the



CrI.O.P.No.25399 of 2022

petitioners to deposit original title deeds not less than value of Rs.10,00,000/- to the credit of Crime No.4 of 2021, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the 2nd petitioner shall deposit original title deeds (stand in the name of the 2nd petitioner or in name of his friends or relatives) not less than value of Rs.10,00,000/- (Rupees Ten Lakhs only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.4 of 2021 and on such deposit, 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 Chief Judicial Magistrate cum Special Judge, Erode District**, on condition that each of the petitioners shall execute a separate 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



Crl.O.P.No.25399 of 2022

dismissed and on further condition that:

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[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 respondent police everyday at 10.30 a.m., until further orders.

[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]**.



Crl.O.P.No.25399 of 2022

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

01.11.2022

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Crl.O.P.No.25399 of 2022

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Crl.O.P.No.25399 of 2022

01.11.2022