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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.01.2022

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1443 of 2022

A.Elamathiyan

... Petitioner/Accused No.1

Vs.

State rep.by
The Inspector of Police,
CCIW - CID,
Ramnad District.
(Crime No.1 of 2022).

... Respondent/Complainant

For Petitioner : M/s.M.Solaisamy, Advocate.

For Respondent : M/s.S.Manikandan
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

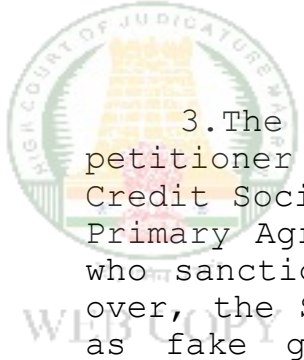
PRAYER :-

For Anticipatory Bail Crime No.1 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 408, 409, 420, 465, 468, 471 and 477(A) of I.P.C., in Crime No.1 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and two others sanctioned jewel loans to various persons to the tune of Rs.1,47,14,000/- (Rupees One Crore Forty Seven Lakhs Fourteen Thousand only), after obtaining artificial jewels. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner was the Secretary of Primary Agricultural Co-operative Credit Society, P.Kodikulam. It was the Assistant Secretary, Kiliyur Primary Agricultural Co-operative Credit Society and the Appraiser, who sanctioned the alleged jewel loan. After four inspections were over, the Special Team inspected the jewels and found the ornaments as fake gold. The Branch Manager has admitted his guilt. The petitioner is no way connected with the offence. The property of the petitioner worth about Rs.1,27,00,000/- (Rupees One Crore and Twenty Seven Lakhs only) was attached by the respondent. Section 81 notice was issued only on 13.11.2021. On the same date itself, the FIR was registered. There is chance for discharge of the petitioner after Section 81 enquiry is over and prayed this Court to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that A2 and A3 are prime accused. A1 was in charge of the post of the Secretary in Kiliyur Primary Agricultural Co-operative Credit Society. The learned Government Advocate has no serious objection in releasing the petitioner in anticipatory bail on condition that the petitioner has to appear and co-operate for the enquiry.

5.Prior to the completion of the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, the FIR was registered against the petitioner. In view of the above submissions, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Ramanathapuram, 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 learned Magistrate concerned and the petitioner shall appear before the respondent Police daily for a period of one month at 10.30 a.m., and then as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
27/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
CCIW-CID, RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SOLAISAMY.M. Advocate SR.No.480

ORDER
IN
CRL OP(MD) No.1443 of 2022
Date :27/01/2022

SP/JM/SAR IV/01/02/2022/3P/6C