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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2571 of 2022

Murugesan

... Petitioner/2nd Accused

Vs

State rep.by its,
The Inspector of Police,
Ramanathapuram CCIW Police Station,
Ramanathapuram District.
(Crime No.1 of 2022)

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthick, Advocate

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

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 420, 465, 468, 471 and 477(A) I.P.C., in Cr.No.1 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the Assistant Secretary along with the Secretary and the jewel appraiser of NN406, P.Kodikulam Primary Agricultural Co-operative Society conspired together and put up fake jewels in 81 jewel bags and misappropriated a sum of Rs.1,47,14,000/- and made loss to the Society. On inspection made by the officers, the same was found. Hence, the present complaint.



3. The learned Counsel for the petitioner would submit that the petitioner is the Assistant Secretary of Primary Agricultural Co-operative Society, Kiliyoor, that the first accused, who is the Secretary, alone was responsible for the transactions now under challenge and that the petitioner is no way connected with the alleged offence. He would further submit that the properties of the petitioner were attached having value of Rs.46,00,000/-.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the first accused is the main accused and that he was already released on bail by this Court in Crl.O.P.(MD) No.1443 of 2022, dated 27.01.2022.

5. It is not in dispute that the proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 is also pending against the petitioner.

6. Considering the above facts and circumstances and also the fact that the main accused has already been released on bail by this Court and also taking note of the fact that the petitioner's properties to the value of Rs.46,00,000/- have already been attached, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, on condition that the petitioner shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

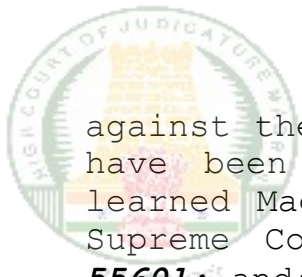
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(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 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]**; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
09/02/2022

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

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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.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
RAMANATHAPURAM CCIW POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAKARTHICK.M.S. Advocate SR.No.966

ORDER
IN
CRL OP(MD) No.2571 of 2022
Date :09/02/2022