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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2912 of 2022

Arivazhagan

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Balamurugapandi D, 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.3, 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 jewel appraiser, along with the Secretary and Assistant Secretary 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 only a jewel appraiser and he is innocent and he has not committed any offence as alleged in the F.I.R.

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4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner, who is the jewel appraiser, is the main accused and only on his recommendations, jewel loans were sanctioned to the tune of Rs.1,47,14,000/-, after obtaining artificial jewels.

5. Admittedly the first accused is the Secretary, in charge of the Society now in dispute, that the second accused is the Assistant Secretary of the said Society and the petitioner/third accused is the jewel appraiser. No doubt, this Court has granted anticipatory bail to the accused 1 and 2. It is also not in dispute that an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 is under progress. No doubt, the petitioner's property was attached to the value of Rs.46,00,000/-, but that is not a ground to grant the relief sought for by the petitioner.

6. Considering the seriousness and gravity of offence alleged and also the quantum of loss allegedly caused to the Society and also the fact that the petitioner is the jewel appraiser, on whose recommendation loans were granted on the basis of the fake jewels, this Court is not inclined to grant anticipatory bail to the petitioner.

7. In the result, the Criminal Original Petition is dismissed.

Sd/-

10/02/2022

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/ /2022

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

SSL

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.



1. THE INSPECTOR OF POLICE,
CCIW - CID, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALAMURUGAPANDI D Advocate SR.No.1039

ORDER

IN

CRL OP (MD) No.2912 of 2022

Date :10/02/2022

SP/VR/SAR III/17/02/2022/3P/4C