



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.03.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4572 of 2022

P.Subbarayan

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu, represented by
The Inspector of Police,
Commercial Crime Investigation
Wing (CCIW),
Karur.
(Crime No.1 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.V.O.S.Kalaiselvam, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

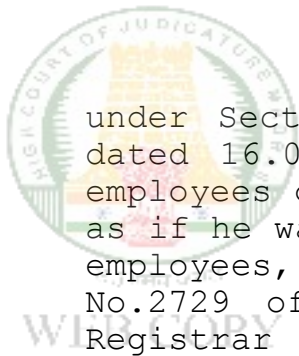
For Anticipatory Bail in Crime No.1 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 464, 465, 471 IPC r/w 468, 477-A and 109 IPC, 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 along with other accused had misappropriated the amount of Co-operative Society. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the President of R.656 Rajapuram Primary Agricultural Co-operative Credit Society Ltd, that based on the enquiry report



under Section 82 of the Tamilnadu Co-operative Societies Act 1983 dated 16.07.2021, surcharge proceedings has initiated against the employees of the Society, that the petitioner has also been included as if he was also complicit to the misappropriation committed by the employees, that the petitioner has filed a writ petition in W.P.(MD) No.2729 of 2022 seeking writ of mandamus, directing the Deputy Registrar of Cooperative Societies to serve the copies of the documents as per the representation dated 25.01.2022 and also permit to cross examine Section 82 Inspection Officer and others and this Court, vide order dated 10.02.2022, directed the first respondent therein to consider the representation of the petitioner dated 25.01.2022 and also permit to cross examine the Section 82 Inspection Officer and others and pass final orders on merits and in accordance with law within a period of one month from the date of receipt of a copy of that order and that the first respondent has not passed the final order so far. He would further submit that the petitioner is ready to deposit the 50% of the amount as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner was very much involved in the alleged misappropriation and that the second accused has already deposited a sum of Rs.5,00,000/- and as per the enquiry report, a sum of Rs.12,46,745/- is found due.

5.As already pointed out, according to the prosecution, a sum of Rs.12,46,745/- is found due.

6.Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner and also the fact that the accused 2 and 3 were already arrested and released on bail and taking note of the order passed by this Court in W.P.(MD) No.2729 of 2022 and no final orders has been passed therein till now and also taking note of the undertaking affidavit filed by the petitioner, 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 arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Aravakurichi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.



[b]the petitioner is directed to deposit a sum of **Rs.6,23,372/- (Rupees Six Lakhs Twenty Three Thousand Three Hundred and Seventy Two only)** before the learned Judicial Magistrate Court, Aravakurichi, to the credit of Crime No.1 of 2022 without prejudice to his rights and contentions within a period of one month from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled;

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

[d]the petitioner shall not tamper with the 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 229-A IPC.

sd/-
30/03/2022

/ TRUE COPY /

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

CSM

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,
ARAVAKURICHI,

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING (CCIW),
KARUR.

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

+1 CC toM/s.V.O.S.KALAISELVAM, Advocate (SR-2712[I]dated 30/03/2022)

ORDER

IN

CRL OP (MD) No.4572 of 2022

Date :30/03/2022

PKP/PN/SAR-3/05.04.2022/4P/6C