



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
DATE : 01/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD).No.8519 of 2022

Jancy Chandrakanda Gnanbai

:Petitioner/A2

Vs.

State rep.by
The Inspector of Police,
CCIW, Thoothukudi Police Station,
Thoothukudi.
(Cr.No.2/2021).
1 M.Singeswara Raja

: Respondent/Complainant

2 S.Kanagarani

...Petitioners/Proposed Respondents/
Depositors
in CRL MP (MD) No.6552/2022

For Petitioner : Mr.S.Ram Sundar Vijayraj,
Advocate.

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

For Intervenor : Mr.R.M.Mahesh Kumaravel.

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409 and 120(b) IPC, in Crime No.2 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the Assistant Secretary and the first accused is the Secretary in the Kurumbur Primary Agricultural Credit Co-operative Society, that the Deputy Registrar of Agricultural Co-operative Societies made an inspection on 14.09.2021 and found that out of 544 gold boxes, there were only 283 gold boxes and that 261 gold boxes were found missing, that upon the preliminary enquiry, it was found that there was misappropriation to the tune of Rs.2,03,92,700/-. Hence, the



3. The case of the petitioner/A2 is that she was appointed in the year 1993 and till now she has been working without any adverse remarks, that since the petitioner's husband was taking treatment for Covid, she has been on leave for the past several days in the month of May and even after sometime, she has been suffering from health ailments, that the second accused has handed over the key to the Secretary for the administrative reasons, that the innocence of the second accused has been utilized by the Secretary and that after surprise inspection of the Deputy Registrar, she was pressurised to sign in the register.

4. It is the case of the petitioner that she is innocent, that she has not committed any offence as alleged in the complaint, that after preliminary inspection, no enquiry was conducted and straightaway she has been suspended from service and that since the petitioner has been in continuous service without any adverse remarks for long time, she may be enlarged on bail.

5. No doubt, it is evident from the records that the petitioner/second accused and the first accused have been blaming each other and according to them, they have handed over the key to other and the other had committed the offence of misappropriation. But the fact remains that both keys were in the custody of the petitioner as well as the first accused and both keys have been used to open the lockers.

6. No doubt, the petitioner as well as the first accused have filed applications for anticipatory bail in Crl.OP(MD)Nos.17056 and 17174 of 2021 and this Court vide order, dated 16.03.2022 dismissed the petitions. It is necessary to refer the following passages in the earlier order :

"7. When the above petitions were taken up on 02.11.2021, the learned Government Advocate (Criminal Side) submitted that the accused have given a letter before the concerned Authority stating that they would return the misappropriated amount, but they have failed to return the amount and that the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act reveals that there was a misappropriation to the tune of Rs.7 Crores.

8. The learned Judge of this Court, considering the submissions made by the learned counsels for the petitioners that the petitioners were ready to co-operate with the investigation agency and pay necessary amount to the Society, without prejudice to their defence in the criminal case, has granted interim anticipatory bail and directed the petitioners to appear before the respondent Police for a period of two weeks, co-operate with the enquiry and give their mobile



numbers and the respondent Police was directed collect data from the mobile numbers of the petitioners and find out the link of the petitioners with the other accused and also directed the petitioners to make necessary payments to the Society as undertook by them.

9. When the matter was taken up again on 09.12.2021, the learned counsel for the first accused submitted that based upon the directions given by this Court earlier, he appeared before the respondent Police and gave security worth about Rs.2 Crores and also undertook to settle the whole amount within 15 days and by recording the above submission, interim order was ordered to be extended.

10. When the matter was taken up again on 11.02.2022 before this Court, the learned counsel for the first accused submitted that since the first accused has been taking treatment, his wife and son would appear before the respondent Police and pay the amount to the Society on 17.02.2022 and specifically at the request of the learned counsel for the petitioners, adjourned to 28.02.2022 for reporting payments.

11. It is pertinent to note that though the petitioners have agreed to pay the entire amount, according to the learned Government Advocate (Criminal Side), they have not paid any amount.

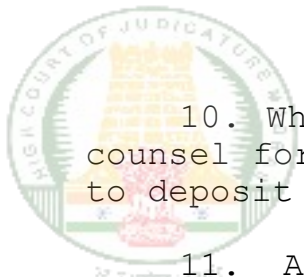
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13. The learned counsel for the second accused would submit that though the second accused has attempted to pay Rs.5 lakhs through demand draft, the Society has refused to receive the same and that they may be directed to receive the demand draft. But the learned Government Advocate (Criminal Side) would submit that the second accused has not chosen to pay any amount and the alleged attempt of paying Rs.5 lakhs through demand draft is false."

7. The learned counsel for the petitioner would submit that they came to know that 81 enquiry proceeding has been completed and that therefore, she may be granted anticipatory bail.

8. But the learned counsel for the intervenor and the learned Additional Public Prosecutor would submit that after conducting 81 enquiry, they came to know that the accused had committed misappropriation to the tune of Rs.28 Crores.

9. As rightly contended by the learned counsel for the intervenor, though the present application came to be filed on 28.04.2022, they have been taking adjournments by alleging that they are ready to deposit the amount, but they have not paid any amount so far.



10. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner is ready to deposit a sum of Rs.10,00,000/-.

11. As rightly contended by the learned counsel for the intervenor as well as the learned Additional Public Prosecutor, though the accused including the petitioner were allegedly shown to have committed misappropriation to the tune of Rs.7 Crores, subsequently, after enquiry, they came to know that they have committed the misappropriation to the tune of Rs.28 Crores. The amount now sought to be paid at Rs.10,00,000/- is very very meagre and that as usual the petitioner has miserably failed to pay any amount.

12. As rightly contended by the learned Additional Public Prosecutor, in the earlier order, this Court has specifically observed that despite the undertaking given, the petitioner and other accused have miserably failed to abide by their undertaking.

13. Considering seriousness and gravity of the offence alleged and also the quantum of the amount involved and that the investigation is pending as stated by the learned Additional Public Prosecutor and that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner.

14. In the result, the Criminal Original Petition is dismissed.
sd/-

01/08/2022

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Sub-Assistant Registrar (C.S.)
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 INSPECTOR OF POLICE
CCIW, THOOTHUKUDI POLICE STATION,
THOOTHUKUDI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8519 of 2022

Date :01/08/2022

SS/VR/SAR-I/10/08/2022/ 4P 3C

<https://www.mhc.tn.gov.in/judis>