



Crl.O.P.No.6788 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 408, 477(A) and 120(B) of IPC, in Crime No.1 of 2021, seek anticipatory bail.

2. The case of the prosecution is that as per the Audit Report submitted by the Auditing Committee, the Chairman/Deputy Registrar, Vigilance, Thiruvannamalai District found some irregularities, malpractice and wrong entries made by the Ex-Office bearers and the Secretary of KK 117, Malayandihalli Primary Agricultural Co-operative Society Limited and thereby, caused loss to the Society for a sum of Rs.29,72,736/-. Based on the report, 82 enquiry was conducted and found that the offence was committed by the Secretary with the help of Ex-Office bearers of the said Society and they misappropriated the Society Fund. Hence the complaint.



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3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. She further submitted that the petitioners approached this Court in Crl.O.P.No.3429 of 2022 seeking for anticipatory bail and this Court by order dated 17.02.2022 granted anticipatory bail to the petitioners on condition that the petitioners shall deposit an amount of Rs.2,00,000/- each, in total Rs.4,00,000/- (Rupees Four Lakhs Only) within a period of four weeks from the date of receipt of a copy of this order in favour of KK 117, Malayandihalli Primary Agricultural Co-operative Society Limited and produce the receipt before the Judicial Magistrate-II, Krishnagiri at the time of execution of sureties. She further submitted that petitioners partly complied with the condition by depositing the amounts and they have not surrendered and executed the sureties and thereby, the earlier order of anticipatory bail got lapsed. Hence, the present petition has been filed. She also submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them. Hence, she prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners/A4 and A5 along with the Secretary of KK 117, Malayandihalli Primary Agricultural Co-operative Society Limited misappropriated the Society Fund. He further submitted that the petitioners/A4 and A5 did not comply with the order of this Court by surrendering and executing the sureties and thereby, the earlier order of anticipatory bail got lapsed. However, he submitted that the petitioners/A4 and A5 had deposited the amount of Rs.4,00,000/- in favour of KK 117, Malayandihalli Primary Agricultural Co-operative Society Limited. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the entire materials available on record including the FIR.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by counsel on either sides, this Court is



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inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate-II, Krishnagiri**, on condition that **each of the petitioner shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period**



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of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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