



Crl.O.P.No.8286 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 alleged offences punishable under Sections 120B, 408, 471, 477A of IPC, in Crime No. 6 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Shanmugam, Deputy Registrar of Cooperative Societies, Cuddalore is that the accused who were the Directors of Karunguzhi Primary Agricultural Co-operative Society by fabrication of documents and falsification of accounts cheated the Society and caused loss to the Society to the tune of Rs.7,41,115/-. Hence, the case,

3. The learned counsel for the petitioners would submit that the petitioners are the Directors other than the Directors of the Board, they have nothing to do with the case. He further submit that the allegations are attributed only in respect of the first and second accused who are respectively Secretary and cashier of the Society. He would further submit that the petitioners to show their bonafide are ready and willing to



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deposit a sum of Rs.15,000/- to the credit of crime number. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners who were the Directors of Karunguzhi Primary Agricultural Co-operative Society have committed grave offence of forgery by fabrication of documents and also falsification of accounts, thereby cheated the Society and caused loss to the tune of Rs.7,41,115/-. He further submit that the petitioners A1 to A3 have been arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides and also taking note of the fact that the petitioners without prejudice are ready and willing to deposit Rs.15,000/- each to the credit of Crime Number, 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 on condition to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) **each to the credit of Crime No.6 of 2022** and on such deposit and on receipt of proof of payment, 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 No.I, Cuddalore**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten 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.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m, until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.06.2023

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