



CrI.O.P.No.16344 of 2023

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Orders Reserved on
13.09.2023

Orders Pronounced on
22.09.2023

CrI.O.P.No.16344 of 2023

RMT. TEEKAA RAMAN.,J.

The petitioners/accused apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 409, 420, 467, 468, 471, 477 r/w 34 of IPC registered in Cr.No.1 of 2023, seeks anticipatory bail.

2. The case of prosecution is that the defacto complainant is a co-operative society providing loans for agricultural purposes. During 2021, an enquiry committee has been created to enquire about the loans disbursed and waivers given to the same defaulter again and again in the defacto complainant co-operative society. The said enquiry committee held that financial malpractice has occurred for the tune of Rs.14,88,411/- during 2021 and alleged that the petitioner herein and four others were involved in the said offence. The 2nd petitioner herein in serving as a present President in the above said co-operative society from 2019 to till date.



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3. The learned counsel for the petitioner submitted that already surcharge proceedings have been initiated and hence the custodial interrogation is not necessary.

4. The learned Government Advocate (crl.side) would submit that petitioner has filed anticipatory bail petition before the District and Sessions Judge, Mayiladuthurrai in Crl.MP No.884 of 2023 and the same was rejected on 30.06.2023.

5. Heard the learned counsel for the petitioner as well as Government Advocate (Crl.side) and perused the records.

6 (i) A perusal of the records reveals that loan waiving scheme was introduced by the Government to agriculture loans availed by the farmers in Co-operative Banks in the year 2021. In Mariyaur Primary Agricultural Co-operative Bank in Thiruvarur District, at the time of 100% verification on loan waiving scheme, some foul play has been noticed by the field manager who had undertaken the task.



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6(ii) During the year 2021, the society members had repaid the loan but the 1st petitioner /accused in his capacity as former President of the Society had forwarded a loan waiver list to the Government which included forged list of four members loan. Though they had repaid the agriculture loan, it was showed that as if the loan is pending against them and thus prepared a forged loan waivers list which were sent to the Government and misappropriated an amount of Rs.2,10,524/-.

6(iii) The 1st petitioner/accused had created fake loans to three members from 10.10.2014 to 23.09.2015 to the tune of Rs.1,08,381/-. The 2nd petitioner/accused as President of the society had forwarded the forged loan waiver list to the Government by colluding with other accused.

6(iv) The accused created four forged agriculture loans on the members of the bank and shown them as outstanding agriculture loans and was forwarded to the Government for waiving of loans and thus misappropriated an amount to the tune of Rs.2,32,736/-. The 1st and 2nd petitioner /accused as President of the Society, had without verifying the



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genuineness of the loan application forwarded the forged loan waiver list to the Government by colluding with other accused.

6(v) The four new agriculture loans were issued to the members who had previous default pending loans and they were shown as outstanding loans and it was forwarded to the Government for loan waiving and misappropriated to the tune of Rs.2,64,845/-. The 2nd petitioner / accused, as President of the Society had without verifying the genuineness of the loan application, forwarded the forged loan waiver list to the Government by colluding with other accused.

7. Considering the nature and gravity of the offence, the specific overtact against the petitioner that he had created and forwarded forged loan waiver list to the Government by colluding with co-accused and created forged fake loans to three members to the tune of Rs.1,08,381/- and misappropriated various amounts to the extent of Rs.2,10,524/, Rs.2,50,665/-, Rs.2,32,736/- and Rs.2,64,845/- and the fact that the investigation is in the preliminary stage, I am not inclined to grant



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anticipatory bail to the petitioner for the present, with a liberty to file fresh application after passage of time or change in circumstances.

8. Accordingly, this Criminal Original Petition is dismissed.

22.09.2023

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RMT. TEEKAA RAMAN.,J.

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order in
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22.09.2023