



Crl.O.P.No.19373 of 2023

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Orders Reserved on
15.09.2023

Orders Pronounced on
20.09.2023

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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 stenographer 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 the petitioners/accused filed anticipatory bail petition before the District and Sessions Judge, Mayiladuthurrai in Crl.MP No.788 of 2023 and the same was rejected on 30.06.2023; that the petitioners are innocent and they are noway connected to the alleged offence.

4. The learned Government Advocate (crl.side) filed counter stating that the petitioners conspired together and misappropriated an amount of Rs.13,42,686/- by under-five heads in the loan waiving scheme and in other transactions; that the society members had repaid the loan but the 1st petitioner/accused in his capacity as President of the Society and the 2nd petitioner/accused in his capacity as writer of the society prepared a forged loan waiver list which were sent to Government and misappropriated an amount of Rs.2,10,424/-, that repayment of loans of four members were entered in the loan ledger and not brought to day book and it was shown as loans were pending and the same prepared by the 1st petitioner/accused in his capacity as President of the Society and the 2nd petitioner/accused in his capacity as writer of the society, prepared the loan waiver list to the



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Government which included four members of forged loans and thus misappropriated to the tune of Rs.2,50,665/-; created four forged agricultural loans on the members of the bank and shown them as outstanding agricultural loans and was forwarded to the Government for waiving of loans, thus misappropriated an amount to the tune of Rs.2,32,736/-; that four new agriculture loan were issued to 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/-. He further contended that the society members have repaid the loan but the petitioners herein in criminal conspiracy, with the President and Secretary of the Society have prepared forged agricultural loan on the members of the Bank showing that as if agriculture loans are in existence, forwarded them to the Government for waiving the loan, thereby misappropriated the amount as stated supra. During the preliminary stage of investigation, it was found that four fake accounts have been opened for filing waiver of the loan.

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



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6. Considering the nature and gravity of the offence and also the fact that the investigation is in the preliminary stage, I am not inclined to grant anticipatory bail to the petitioner for the present, with a liberty to file fresh application after passage of time or change in circumstances.

7. Accordingly, this Criminal Original Petition is dismissed.

20.09.2023

rgf



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Per-Delivery order in
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20.09.2023