



Crl.OP.No.18397 of 2023

Crl.O.P.No.18397 of 2023

G.CHANDRASEKHARAN.J.,

The petitioner namely Mohan, who was arrested and remanded to judicial custody on 09.07.2023 for the offences punishable under Sections 409, 420, 465, 467, 471, 477A read with Section 34 of IPC Act, 1985 in Crime No.02 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is arrayed as A1 in Crime No.02 of 2023 registered for the offences under Sections 409, 420, 465, 467, 471, 477A read with Section 34 of IPC Act, 1985. Even as per the enquiry report filed under Section 87 of Tamil Nadu Cooperative Society Act, it is acknowledged that, petitioner had repaid a sum of Rs.1,31,29,000/- alleged to have been misappropriated by him. As per the inspection conducted by the Committee consisting of Field Officer, CSR, AGM (credit), it is found that the alleged agricultural loan given during the period from 2017 to 2018 was recovered from the borrowers to the tune of Rs.1,05,00,000/-. Thus, he submitted that the complaint given against the petitioner alleging misappropriation of the amount is false. Even assuming that,



CrI.OP.No.18397 of 2023

there is a misappropriation, those amount had been recovered from the petitioner. Petitioner is in Judicial Custody from 12.05.2023. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that, petitioner/A1 worked as a Secretary in S.877. Vellarivelli Primary Agricultural Co-operative Credit Society. There was a large scale irregularities in giving loan and there was also misappropriation of funds. As per the enquiry report under Section 87 of Tamil Nadu Cooperative Society Act, the total amount misappropriated was Rs. 2,93,35,132/-. Petitioner along with other 12 accused had involved in misappropriation and falsification of amounts. Petitioner had admitted during the course of enquiry under Section 87 of Tamil Nadu Cooperative Society Act about misappropriation of funds to the tune of Rs. 2,93,35,132/-. It is also true that, petitioner had deposited to the tune of Rs. 1,31,29,000/- on various dates. Petitioner is still liable to pay a sum of Rs. 1,26,47,341/- as on 15.11.2021 and subsequent calculation till 09.07.2023 shows that, petitioner is liable to pay a sum of Rs.1,51,46,316/-. This liability is not discharged so far. Investigation in



Crl.OP.No.18397 of 2023

this case is not completed. Thus, he seeks dismissal of the petition.

WEB COPY

4. Considered the rival submissions and perused the records.

From the allegations made in the FIR and from the report under Section 87 of Tamil Nadu Cooperative Society Act, it is evident that, petitioner is still liable to pay a sum of Rs.1,51,46,316/-. Petitioner said to have misappropriated the Society's fund and caused loss to the Society to the tune of Rs.2,93,35,132/-. After giving credit to the payment made by him to the tune of Rs.1,31,29,000/-, petitioner is still liable to pay a sum of Rs.1,51,46,316/-. Petitioner is the 1st accused, who held the position of Secretary of the Society.

5. Considering the seriousness of the offence that large scale misappropriation had been done by the accused and that investigation in this case is not completed, this Court is not inclined to grant bail to the petitioner.

G.CHANDRASEKHARAN,J.



WEB COPY



Crl.OP.No.18397 of 2023

Sma

6. Accordingly, this Criminal Original petition is dismissed.

17.08.2023

Sma

Crl.O.P.No.18397 of 2023