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Crl.O.P.Nos.19624 & 19762 of 2023

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Reserved On	31.08.2023
Pronounced On	05.09.2023

RMT.TEEKAA RAMAN, J.

The petitioners/A3 & A16 in Crl.O.P.Nos.19624 & 19762 of 2023 respectively, who apprehend arrest at the hands of the respondent police for the alleged offences under **Sections 408, 409, 477A, 420, 120B & 34 of IPC in Crime No.02 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The learned counsel appearing for the petitioner in Crl.O.P.No.19762 of 2023 contended that he is the Joint Director (Cost Accounting) in Industrial Co-Operative Societies and he is arrayed as A3. He is no way connected with the alleged offence.

3. The learned counsel appearing for the petitioner in Crl.O.P.No.19624 of 2023 stated that he is arrayed as A16. He has already filed a Writ petition against the charges and hence, criminal proceedings cannot be proceeded further.



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4. The respondent police/Commercial Crime Investigation Wing, Ashok Nagar, Chennai has filed a counter, wherein, I find that, there was a surprise raid conducted by the Vigilance and Anti-Corruption Department along with District Special investigation Committee on 01.08.2018 at the Anna Auto Drivers Industrial Co-op. Society Petrol Bunk in Chennai Royapettah High Road. On checking the records given by the Accountants of the Society A1/S.Rajee and Assistant Accountant of the Society A2/M.Karuppaiah, it was found that there were records showing that they had sold petroleum products for Rs.7,16,432.50. But when physically checked the petroleum products were sold for Rs.8,40,353.54/-. It was found that the society had incurred a loss of Rs.1,23,921/-. The said Department of Vigilance Anti-Corruption along with District Special investigation committee have given a report as to who are the responsible for the loss of funds.

5. Subsequently, surcharge proceedings under the Tamil Nadu Cooperative Societies Act, 1983 was ordered and it was concluded and the responsible persons A1, A2 and 14 others have



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been fixed and directed to take criminal action for the misappropriation of the fund to an extent of Rs.92,85,559/- to the Anna Auto Drivers Co-operative Society Petrol Bunk. Based upon the complaint, a case has been taken and registered against A1/S.Rajee, A2/M.Karuppaiah and 14 other persons in Chennai CCIW CID Crime No.02 of 2020 for the offence under Sections 408, 409, 420, 477(A) & 120(B) read with 34 IPC on 02.03.2020 at 18.30 hrs and taken up for investigation.

6. A1 & A2 were arrested on 11.08.2023. They are under judicial custody. A4 is the Ex.Vice Chairman and A5 is the Deputy Director. Both of them are dead and their death certificate is to be filed. Other 12 accused are now absconding.

7. A16 (petitioner in Crl.O.P.No.19624 of 2023) worked as Board of Directors and he has also taken petrol to an extent of Rs.14,150/-, but not paid the amount. So also the A3(petitioner in Crl.O.P.19726 of 2023) was working as Joint Director (Cost Accounting) and he has personally committed malpractice of Rs.49,584/- and not paid the bill.



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8. Considering the responsibility fixed upon the petitioners/A3 & A16 and the overt act alleged against the petitioners and the preliminary stage of the investigation, I am not inclined to grant anticipatory bail to the petitioners.

9. Accordingly, these Criminal Original Petitions are dismissed.

05.09.2023

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