



Crl.O.P.No.20413 of 2023

Orders Reserved on
20.09.2023

Orders Pronounced on
29.09.2023

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RMT. TEEKAA RAMAN., J.

The petitioner who is arrayed as accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 409, 420, 465, 467, 471, 477(A) IPC r/w U/s 34 IPC, registered in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was elected as President of the Board of Director for S.877 Vellerivelli Primary Agricultural Co-operative Credit Society, Vellerivelli, Salem District in the year 2018. When the Deputy Registrar of Co-operative Societies ordered enquiry u/s.81 of the Tamil Nadu Co-operative Societies Act, appointed the enquiry officer and the enquiry officer conducted the enquiry and submitted his report stating that in the above said Society, there are irregularities committed by the Secretary and other employees and causing loss to the Society.



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3. The learned counsel for the petitioner submitted that since the petitioner happened to be distant relative of the former Registrar of the area, a false case has been foisted against him and even as per the findings of the surcharge proceedings, Item No.2 in the said proceedings alone, his name is included and hence seeks anticipatory bail.

4(i) The respondent filed counter. The learned Government Advocate (crl.side), based upon the counter would contend that in view of large scale of corruption reported from the said Co-operative Society, enquiry was conducted under Section 81 of the Tamil Nadu Co-operative Societies Act and based upon the said report, a financial fraud to the tune of Rs.62,79,000/- was committed by creating false loan records during the period 03.02.2020 to 15.05.2020 and hence a case was registered in Crime No.2 of 2023.

4(ii) There is a specific allegation against this petitioner that he has misappropriated Rs.39,40,000/- by way of creating false records as if crop loans have been disbursed to 37 persons between the period 13.02.20220 to 19.05.2020 and Rs.62,79,000/- have also been misappropriated. The



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petitioner, as a President of the Society has passed the resolution, wherein for the sanction of loans, names of 37 persons have been changed, loans have been obtained and none of the details pertaining to the loans like crops, extent of land, fertilizers, seeds have been changed except the name of the applicants. He would further contend that the matter is under investigation. The learned Government Advocate also produced the sanction of the cheque issued by the petitioner herein alongwith the Secretary. Both the petitioner as well as the Secretary have signed the cheques.

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

6. After reserving the case for passing orders, the learned counsel for the petitioner filed petition for raising additional grounds wherein he has stated that attachment order for the property to the tune of Rs.15 Crores has been passed in CEP No.4/2022-23 dated 10.11.2022 and produced a copy of the said order before this Court.



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7. Considering the rival submissions of the parties and also the materials placed before this Court, nature and gravity of the offence and the financial irregularities in manipulating the records and also creating of fake crop loan documents and the fact that the matter is in the preliminary stage of investigation, 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.

8. Accordingly, this Criminal Original Petition is dismissed.

29.09.2023

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Pre-Delivery order in
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