



Crl.OP.No.21366 of 2023

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G.CHANDRASEKHARAN.J.,

The petitioner namely A.Ganesan, who was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 409, 477A read with Section 34 of IPC in Crime No.03 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has never indulged in the misappropriation of the amount. There are proceedings pending under Section 87 of Tamil Nadu Cooperative Societies Act. Petitioner filed Civil Miscellaneous Appeal in this regard and it is yet to be numbered. Petitioner is in Judicial Custody from 11.07.2023. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that, petitioner is the Manager of Chennimalai Weavers Cooperative Wholesale Store. Petitioner along with other accused said to have misappropriated a sum of Rs.57,01,889.54/- under several heads.

(i) For the period from 01.04.2015 to 31.03.2016, it is informed that, goods worth a sum of Rs.36,85,630.70/- was sold to 24 concerns on



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credit basis without actually selling them on credit basis. In the said process, a sum of Rs.36,85,630.70/- was misappropriated.

(ii) During the period from 01.04.2015 to 31.03.2016, wrong account was made, as if money was received from 11 concerns to the tune of Rs.13,27,435.39/-. Thus, a sum of Rs.13,27,435.39 was misappropriated.

(iii) Stock was sold at low, causing misappropriation to the tune of Rs.3,24,394.85/-.

(iv) Sum of Rs.3,64,428.60/- was lent to the borrowers in excess of the available amount and thus caused loss to the Society.

(v) Thirty Four Cheques of the Society are missing and they are not accounted by the accused.

He further submitted that, investigation in this case is still pending and he vehemently opposed for grant of bail to the petitioner.

4. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner was dismissed by considering the allegations made against the petitioner and other accused in the FIR; the



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misappropriation and the loss caused to the Society ie., to the tune of Rs.57,01,889.54/-; this amount is not yet recovered from any of the accused and also the fact that, investigation in this case is still pending. It is now informed by the learned Additional Public Prosecutor that, the misappropriated amount is still not yet recovered and the investigation is also not completed. In the said circumstances, this Court is of the view that, there is no change of circumstances warranting reconsideration of the bail in favour of the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

15.09.2023

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G.CHANDRASEKHARAN,J.



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