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Crl.O.P.No.32357 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.32357 of 2022

C.Jeganathan,
S/o.Chinnan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Economic Offence Wing,
Coimbatore,
Coimbatore Dt.
(Crime No.3 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3 of 2022 pending on the file of respondent police.

For Petitioner	: Mr.C.Prakasam
For Respondent	: Mr.S.Vinoth Kumar, Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.11.2022 for the alleged offence under Sections 467, 468, 471, 477(A), 120(B), 408 and 420 of I.P.C. in Crime No.3 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that this petitioner is rendering service from 09.05.2013 to 01.05.2016 as Secretary Incharge of the Society and from 09.10.2017 he was appointed as Secretary. As per enquiry report under Sec.81 of the Tamil Nadu Cooperative Societies Act, surcharge proceedings have been initiated and passed an order for surcharge proceedings on 16.07.2019. Based on the report, the total misappropriation amount is Rs.79,22,100/- and this petitioner alleged to have joined hands with other accused and misappropriated the funds of the society, thereby caused revenue loss to the society. Hence, the complaint was registered against the petitioner.



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3. The learned counsel appearing for petitioner submitted that he was recently appointed as Secretary incharge of the society, and for the misappropriation of funds in the society during the year 2013 to 2016, he is not liable for that. He would submit that he is no way connected with the offence and he has not at all committed any of offence as alleged by the respondent police. He would submit that he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 38 days from 24.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 19 accused involved in this case and the amount involved is more than Rs.79 lakhs. He would submit that now the surcharge proceedings was initiated by the society and the same is pending. Hence, the Secretary is not able to recover the amount from the accused person. He would also submit that the petitioner has purchased the property during that period in the name of his wife. He would also submit that if he is released on bail, he would tamper the



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witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, by misappropriating the fund of defacto complainant's society, the petitioner purchased the property in the name of his wife, during the period related for the alleged occurrence from the year of 2013 to 2016, he was appointed as Secretary Incharge, but the learned counsel for petitioner submitted that without prejudice to his right, he undertakes to settle the issue. Considering the above facts and circumstances, and also considering the fact that the investigation was almost completed and considering the nature of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Society's account number within a period of four weeks from the date of release i.e. on 01.02.2023.** Therefore, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/-



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(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-III, Coimbatore, Coimbatore District**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m. for the period of four weeks ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner



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released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** [(2005)AIR SCW 5560];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Post the matter for reporting compliance on 01.02.2023.

02.01.2023

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To

1. The Judicial Magistrate-III,
Coimbatore, Coimbatore Dt.
2. The Superintendent of Prison,
Central Jail, Coimbatore.
3. Inspector of Police,
Economic Offence Wing,
Coimbatore, Coimbatore Dt.
4. The Public Prosecutor,
High Court of Madras, Chennai.

T.V. THAMILSELVI, J.

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