



Crl.O.P.No.27561 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioners/A2, A3 and A4 in Crime No. 4 of 2023 registered by the respondent police for the offences under Sections 120B, 467, 468, 471 and 477A IPC, seek anticipatory bail.

2. The Petitioners are President, Vice president and Director of Senthamangalam Milk Producers Co-operative Society at Senthamangalam Village, Nemili in Ranipet District. The learned Government Advocate (Criminal Side) stated that the Secretary, who has been arrayed as Accused A1, had misappropriated the funds of the Society to an amount of Rs.3,57,500/-. It is the allegation as against these Petitioners that, without any resolution being passed by them, the amounts had been misappropriated by the Accused A1. It would indirectly mean that these Petitioners have not exercised proper care and control over the activities of the Secretary which gave him an opportunity to misappropriate the amounts which were kept in Fixed Deposit in the Society.



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3. The learned counsel for the Petitioners pointed out that the Accused A1/Secretary had repaid the sum of Rs.3,57,500/- which could be termed as principal amount of the amounts misappropriated. But there is also an interest component which comes to around Rs.60,000/-. The learned counsel pointed out the reply received through RTI and states that the allegations against the Petitioners are that, without any resolution being passed by them, the amounts had been misappropriated.

4. Let the investigation proceed in that manner, but since the Petitioners were in a position as President, Vice president and Director to pass resolution but did not have the cheque signing powers to actually withdraw cash physically, this Court is inclined to grant anticipatory bail to the Petitioners herein with certain conditions that **all the three Petitioners are together directed to deposit a sum of Rs.60,000/- in some ratio but jointly to the credit of Crime No.4 of 2023 and on such deposit, the learned Judicial Magistrate No.II, Vellore may forward the said amount to the said Society namely, the Senthamangalam Milk Producers Co-operative Society.** Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen



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days from the date on which the order copy made ready, before **the Judicial Magistrate – II, Vellore**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioners shall deposit a sum of Rs.60,000/- in some ratio but jointly to the credit of Crime No.4 of 2023 and on such deposit, the learned Judicial Magistrate No.II, Vellore may forward the said amount to the said Society namely, the Senthamangalam Milk Producers Co-operative Society**

[c] **the petitioners shall report before the Respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.**



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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