



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7256 of 2023

Mohan.V

... Petitioner/Accused No.1

Vs

State rep. by
The Sub Inspector of Police,
District Crime Branch,
Tenkasi District.
(Crime No.10/2023).

... Respondent/Complainant

For Petitioner : M/s.Sebastinal Preethi.V,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

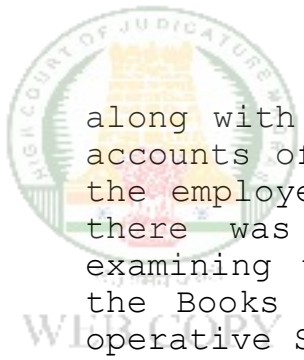
PRAYER :-

For Anticipatory Bail in Crime No.10/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 409 and 420 of I.P.C., in Crime No.10 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Mr.Lakshmanakumar, the Deputy Registrar of Co-operative Society, Tirunelveli has given a complaint to the respondent police on 10.04.2023 stating that the petitioner, who was the Secretary of the Co-operative Society TNSPL-120, Kuruvikulam Primary Agricultural Co-operative Credit Society, has misappropriated the funds of the society. The complaint was made, after conducting an investigation under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983, that the petitioner had misappropriated the amount, which was to be given as salary to the employees of the society, that the petitioner



along with one Mr.Ravindran, the cashier had falsely fabricated the accounts of the society by showing that the incentives was given to the employees when in fact it was not received by the employees and there was no such record of receipt of incentives too. When examining the accounts, it was found that there was difference in the Books of Accounts of the Kuruvikulam Primary Agricultural Co-operative Society for an amount of Rs.69,596/-.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen from the records that on the basis of the enquiry conducted under Section 82 of the Tamil Nadu Co-operative Societies Act, 1983 on the complaint lodged by the Deputy Registrar of Co-operative Society, Tirunelveli, the present FIR came to be registered in Crime No.10 of 2023. The petitioner also agreed to return the said amount to the tune of Rs.69,596/-.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.Accordingly, the petitioner shall deposit a sum of Rs.70,000/- (Rupees Seventy Thousand only) to the credit of Crime No.10 of 2023 before the learned Magistrate, without prejudice to his rights and contentions.

7.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.I, Tirunelveli, on condition that the petitioner shall execute a 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 petitioner 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 petitioner 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 interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/04/2023

/ TRUE COPY /

/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate Court No.I, Tirunelveli.
2. Do through the Chief Judicial Magistrate,
Tirunelveli.
3. The Sub Inspector of Police,
District Crime Branch,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SEBASTINAL PREETHI.V, Advocate (SR-6195[I] dated 20/04/2023)

ORDER
IN
CRL OP(MD) No.7256 of 2023
Date : 20/04/2023

NA/BUC/SAR-I/27.04.2023/3P/6C