



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2023

PRESENT

WEB COPY

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

CRL OP(MD) . Nos.11122 and 11158 of 2023

1.S.S.N.Vijayan ... Petitioner/A1
in Crl.O.P.(MD)No.11122 of 2023

1.T.Narayanan
2.R.Varadharajan
3.P.Selvakumar
4.A.Murugaraj ... Petitioners/A57 to A60
in Crl.O.P.(MD)No.11158 of 2023

Vs

The State Rep.by
The Inspector of Police,
Economic Offences Wing (EOW),
Tenkasi District.
(Crime NO.2 of 2023) ... Respondent/Complainant
in both petitions

For Petitioner : Mr.D.Selvam
Advocate.(in Crl.O.P.(MD)No.11122 of 2023)
For Petitioner : Mr.K.Gokul
Advocate.in(Crl.O.P.(MD)No.11158 of 2023)
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(in both petitions)

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

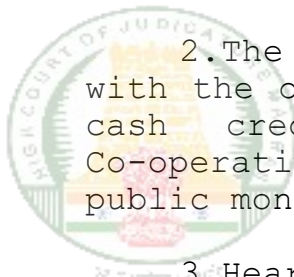
COMMON PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A57 to A60, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 420, 468, 477, 471 and 34 IPC in Crime No.2 of 2023, on the file of the respondent police, seek anticipatory bail.





2.The case of the prosecution is that the petitioners along with the other accused, by attaching deficit property, has obtained cash credit loan from the Alangulam Primary Agricultural Co-operative Credit Society with an intention to misappropriate the public money. Hence, the case.

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

4.It is seen that there are 60 accused involved in this case and the petitioners are arrayed as A1 and A57 to A60. Insofar as the first accused is concerned, he was a member of the society and he obtained loan by pledging the original document. However, without repaying the loan amount, the petitioner had taken the original title deed. Enquiry was conducted and thereafter, surcharge proceedings was also issued as against the petitioners under Sections 87 of the Tamil Nadu Co-operative Societies Act, 1983. It was challenged before this Court in W.P(MD)No.24437 of 2022 and this Court has granted an interim order, dated 27.10.2022 and directed the petitioner to deposit Rs.25,00,000/-. The said order was complied with. Insofar as the accused Nos.57 to 60 are concerned, the misappropriation amount of Rs.15,31,380/- has also been recovered and it was also confirmed by the learned Additional Public Prosecutor. Considering the above, the custodial interrogation of the petitioners are not necessary in this case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

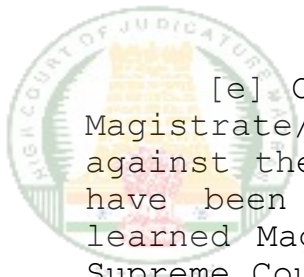
5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate NO.II, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

<https://www.mhc.tn.gov.in/judis> [d] the petitioners 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 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].

WEB COPY

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

sd/-
26/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI..
 - 3 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING TENKASI
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to SELVAM.D Advocate SR.No.9723

ORDER
IN
CRL OP(MD) No.11122 of 2023
Date :26/06/2023

MGJ(04.07.2023) 3P 6C