



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

(*)CRL OP(MD). Nos.12810, 12884, 12966, 13201, 13455, 12143 and 13493 of 2023

1. Jancy Sobiya

2. Johnson Raja.S

... Petitioners/ Accused No.48,49
in Crl OP(MD)No.12810 of 2023

1.Mariappan

2.Samuvel Raja

3.Vetrivel

4.Ramasamy

5.Mayilraj

6.Shenbagam

7.Selvam

8.Murugesan

...Petitioners/ Accused Nos.8,9,10,26,27,28,29&31
Crl OP(MD)No.12884 of 2023



1.Rajesh
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2.Subash Lenin

...Petitioner/ Accused No.11 & 20
In CrI OP(MD)No.12966/2023

1.K.P.Subramanian

2.C.Tamilarasan

...Petitioners/ Accused Nos.5,6
In CrI OP(MD)No.13201/2023

1.Maniarasu

2.Johnsonraja

...Petitioner/ Accused No.21&25
In CrI OP(MD)No.13455/2023

(*)1 A.Mathivanan

2 Vakeeswari

... Petitioners/ Accused Rank 52 & 53
In CrI OP(MD)No.12143/2023

(*)1 Nainar

2 T.Sundarraja

... Petitioner/ Accused No.46 & 51
In CrI OP(MD)No.13493/2023

Vs

The State rep.by,
The Inspector of Police,
EOW Police Station,
Tenkasi District
Crime No.2/2023.

... Respondent/Complainant
in all CrI OP's

For Petitioner
In CrI OP(MD)No.12810/2023

: M/s.Manivelpandian.M,Advocate.

For Petitioner
In CrI OP(MD)No.12884/2023

: Mr.David Ganesan.J, Advocate



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For Petitioner : Mr.D.Venkatachalam,Advocate
In CrI OP(MD)No.12966 & 13455 of 2023

For Petitioner : Mr.K.Gokul, Advocate
In CrI OP(MD)No.13201/2023

For Petitioner : Mr.K.Sivabalan,Advocate
In CrI OP(MD)No.13493/2023

(*)For Petitioner : Mr.S.Palani Velayutham, Advocate
In CrI OP(MD)No.12143/2023

For Respondent : Mr.B.Nambiselvan,
(in all cases) Additional Public Prosecutor

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

COMMON PRAYER :-

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

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 420, 468, 477(A), 471 and r/w Section 34 of 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 under Section 81 of the Tamil Nadu Co-operative Societies Act, an enquiry was conducted by appointing the Enquiry Officer, Namely, P.Mahesh Kumar. After conducting the enquiry and filing of the enquiry



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report, it was found that without property security documents, the excess loan amount than the original market value was sanctioned to the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that pending investigation, the Secretary of the Co-operative, who is the second accused was arrested and thereafter, released on bail by the learned Judicial Magistrate No.2, Tirunelveli, on the ground that major portion of the misappropriation amount was recovered by initiating surcharge proceedings. This Court had granted anticipatory bail to the co-accused in CrI.O.P(MD).Nos.11122 and 11158 of 2023 dated 26.06.2023 and main accused is responsible for the above said misappropriation amount. He further submitted that petitioner/Rajesh in CrI.O.P (MD).No.12966 of 2023 is the employee of the Society and without his knowlege, the loan has been obtained in his name by the second accused.

4. Reading of the entire case records shows that the major part of the criminal case is attributed to the second accused, who was working as a secretary in the concerned department. As stated above, by initiating surcharge proceedings, some of the properties standing in the name of the second accused's wife were also attached and the major part of the amount involved in the misappropriation have been



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recovered. During the course of investigation, some of the accused deposited the money and the learned Additional Public Prosecutor has also produced the details.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the second accused is the main accused and he has already been arrested and thereafter, released on bail. He further submitted that the accused Nos. 5 and 6 acted as one of the Board of Directors and also submitted that some of the petitioners deposited the amount and some of the petitioners did not deposit the amount.

6. Considering the facts and the circumstances of this case and also the fact that the major part of misappropriated amount has been recovered from the co-accused and the grant of anticipatory bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners, however, with stringent conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.2, Tirunelveli, and on their executing 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 learned Magistrate concerned; and the petitioners shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



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8. The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
27/07/2023

(*)CORRECTED AS PER ORDER OF THIS
HON'BLE COURT IN CRL OP(MD)NOS.12810,
12884, 12966, 13201, 13455, 12143 AND 13493
OF 2023 DATED 25.09.2023

/ TRUE COPY /

25/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
15.09.2023

- 1.THE JUDICIAL MAGISTRATE NO.2, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
EOW POLICE STATION,
TENKASI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+2 CC to MR.D.VENKATACHALAM, Advocate, SR-11414[I], SR-11413[I]

+1 CC to MR.S.PALANI VELAYUTHAM, Advocate, SR-11468[I]

+1 CC to MR.K.SIVABALAN, Advocate, SR-14142[I]

ORDER
IN

(*)CRL OP(MD). Nos.12810, 12884, 12966, 13201, 13455, 12143
and 13493 of 2023
Date :27/07/2023

RK/VRS (13/09/2023) 7P / 7C

RS/DD/SAR (25/09/2023) 7P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023