



Crl.O.P.No.7660 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.7660 of 2024

Sathiya Banu

...Petitioner/A2

Vs.

State represented by
The Inspector of Police,
Economic Offence Wing, Salem.
(Crime No.2 of 2023)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.2 of 2023 on the file
of the respondent police.

For Petitioner : Mr.V.Vijay Shankar
For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)

ORDER



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The petitioner / A2 who was arrested and remanded to judicial custody on 02.02.2024 for the offences punishable under Sections 409, 420, 465, 467, 471, 477A and 34 of IPC in Crime No.2 of 2023 on the file of the respondent, seeks bail.

2.The petitioner was the president of Primary Agricultural Co-operative Credit Society. As a matter of fact earlier an anticipatory bail application was filed by the petitioner and the same was dismissed by this Court. But however those details have been suppressed in the petition filed by the petitioner for the reasons best known to him. It is stated that the office bearers of the petitioner's society from the year 2017 to 2020 are said to have misappropriated a total sum of Rs.2.93 crores. One of the basic concepts behind a Co-operative Society is that every person who pays subscription to the society becomes a member of the society and all profits or loss are shared equally among them. If in that Co-operative Society there was a misappropriation, it would directly affect each and every member. A trust is placed by the members that those in-charge of the accounts would perform their duties without drawing adverse



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inference as against their *bonafide*. The petitioner as the president, was one of the cheque signing authorities of the society. The Secretary has been arrayed as A1. A1,A3 and A6 had been granted bail and this point had been stressed by the learned counsel appearing for the petitioner. But, however it is stated that the bail was granted under section 167(2) of Cr.P.C. The learned counsel stressed on the fact that the entire F.I.R was based on the allegations against A1. But, the petitioner as the President was in-charge of sanctioning of loans. It is seen that the accused person have granted loans to fictitious persons which is the *Modus operandi* followed to misappropriate the society's fund to the tune of Rs.3,00,000,00/-. More importantly A4,A8, A9,A10, A11 and A12 are still absconding. Investigation can never proceed as long as so many accused are still absconding.

3.A counter affidavit has been filed on behalf of the respondent stating that this petitioner had deposited a sum of Rs.10,00,000/- after her arrest and A3 and A6 had also deposited a sum of Rs.10,87,000/- and 2,87,000/- respectively. It is also stated that some of the accused are still absconding.



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4. But taking into consideration the bonafide expressed by this petitioner by depositing a sum of Rs.10,00,000/- and also considering the period of incarceration suffered by this petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.IV, Salem and on further conditions that:

[a] 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., until further orders.

[c] the petitioner shall not abscond either during



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investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

15.04.2024

smv

C.V.KARTHIKEYAN. J.

smv

To



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1. The Judicial Magistrate – IV, Salem.
2. The Salem Central Prison (Women's Wing).
3. The Inspector of Police,
Economic Offence Wing, Salem.
4. The Public Prosecutor,
High Court of Madras.

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