



Crl. O.P. No.26580 of 2024

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P. DHANABAL.J.,

The petitioners / A8 to 11 and 14, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 408, 120-B, 471 and 477A of IPC in connection with the Cr. No. 1 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on the basis of the audit report dated 17.06.2021, it was found that the petitioners along with other accused misappropriated the funds of the Sathiyamangalam Primary Agriculture Co-operative Credit Society of Tindivanam Range, Villupuram to the tune of Rs.4,50,60,652/- for the period from 22.04.2015 to 04.06.2021. Hence the case.

3. The learned counsel for the petitioner would contend that the these petitioners have been falsely implicated in this case by the respondent police for the alleged offences under Sections 408, 120-B, 471 and 477A of IPC. In fact, the petitioners are innocent persons and they are no way connected with the offences as alleged by the prosecution and they were working as Members of Sathyamangalam Primary Agricultural Co-



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operative Credit Society and they are not sanctioning / signing authority to the functioning of the Society. There is no specific overt act attributed as against the petitioners in the FIR. The properties of the accused 1 to 6 were also identified and attached by the respondent police and investigation was already completed and hence he may be released on anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that on the basis of the audit report dated 17.06.2021, it was found that the petitioner along with other accused misappropriated the funds of the Sathiyamangalam Primary Agriculture Co-operative Credit Society of Tindivanam Range, Villupuram to the tune of Rs.4,50,60,652/- for the period from 22.04.2015 to 04.06.2021. Investigation reveals that the accused A1 along with 16 other accused cheated to the tune of Rs.4,50,60,652/- by way of bogus fixed deposit, bogus jewel loan, agriculture loan and false entries in SB account and prepared false loan application and thus cheated and caused huge loss to the Society and also to the Government. No amount has been recovered. Based on the complaint given by the Deputy Registrar of Co-operative Societies, Tindivana, this case was registered as against the accused A1 to A17 for



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the offences under Sections 408, 120-B, 471 and 477A of IPC.

Investigation is in a preliminary stage and the specific overt act as against these petitioners is that as instructed by A5 and A6, these petitioners along with other accused signed in Society Minute Book. Investigation is not yet completed and hence strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that already co-accused were released on bail and properties of the co-accused were attached by the concerned authorities and even according to the prosecution, on instruction, these petitioners, as Members of the Society, along with other accused signed in the minute book and apart from the above, there is no any allegation as against these petitioner and there is no previous case pending against these petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15)



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days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Gingee, Villupuram District** on condition that the petitioners shall each 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 Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 until further orders.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the previous permission of the Court;

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

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



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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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

27.11.2024

mjs

To

- 1.The Judicial Magistrate, Gingee, Villupuram District
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, EOW Villupuram Police Station, Villupuram District.

P.DHANABAL,J

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