



Crl.O.P.No.27651 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks anticipatory bail in Crime No.1 of 2023 registered by the respondent Police for the offences punishable under Sections 409, 420, 477 A 34 of IPC.

2. It is the case of the prosecution that a complaint had been lodged by the Deputy Registrar of Co-operative Societies relating to proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act wherein it had been found that there has been misappropriation of funds at the Primary Cooperative Society, Nannilam.

3. It is stated that all the accused who are 4 in number had totally misappropriated a sum of Rs.31,42,800/-.

4.The present petitioner is A2. A counter affidavit has been filed wherein it has been stated that this petitioner was working as Salesman and in-charge Secretary of the said Society. Further proceeding are also pending under Sections 82 and 87 of the Tamil Nadu Cooperative Societies Act.



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5. In the counter affidavit, it had been stated that this petitioner had misappropriated an amount of around Rs.8/- lakhs. The documents have already been collected.

6. A4 had been granted anticipatory bail, since no liability had been fixed.

7. However, taking all the other factors into consideration and also also taken into account that the petitioner had retired from service, this Court is inclined to grant anticipatory bail to the petitioner but however, directing the petitioner to deposit a sum of **Rs.2,00,000/- (Rupees Two lakhs only)** as **non-refundable deposit to the credit of Crime No.1 of 2023, before the Jurisdictional Magistrate. The Jurisdictional Magistrate may be transferred the said amount to Z-376, Nannilam Primary Agricultural Cooperative Societies, Nannilam, Thiruvarur District.** It is also made clear that deposit of amount would not indicate that the petitioner had admitted to the allegations which allegations still will have to be established in the manner known to law by the respondent.



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8. Accordingly, the petitioner is 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 Court, Thiruvarur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 everyday at 10.30 a.m., until further orders.

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



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[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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