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Crl.O.P.No.31591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31591 of 2024

G.Arulmozhi

...
Vs

PETITIONER

State by its
Inspector of Police,
EOW (CCIW CID),
Erode, Erode District.
(Crime No.4 of 2024)

...

RESPONDENT

PRAYER: The Criminal Original Petition has been filed under Section 482 of B.N.S.S. to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.04 of 2024 on the file of the respondent.

For Petitioner : Mr.P.K.Shivkumar

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)



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ORDER

Apprehending arrest in connection with Crime No.04 of 2024 registered for the offences punishable under Sections 408, 409, 420, 34, 468, 471 and 477-A of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the accused joined together and sanctioned excess loan to ineligible persons and caused loss to the Society to the tune of Rs.3 Crores and 97 Lakhs. Hence, the present case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner was the Special Officer/ Co-operative Sub-Registrar, Co-operative Department, Erode, during the year 2013. She had committed certain supervisory lapse and there is no allegation as against the petitioner that as if the petitioner has got any benefit in the transaction. He further submits that the allegation



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against the petitioner is that she had only sanctioned excess loan than it is prescribed under the rules. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner, while working as a Special Officer/ Co-operative Sub-Registrar, Co-operative Department, Erode, along with other accused had fabricated the documents and by sanctioning excess loan in violation of the rules, caused loss to the Society to the tune of Rs.3 Crores and 97 Lakhs. He further submitted that other than committing certain violation of rules, there is no preliminary evidence to show that the petitioner has benefited in the transaction.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly the petitioner is ordered to be released on bail in the event of arrest or on her appearance



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within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Erode, on condition that the petitioner shall 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of one week and thereafter on every Saturday at 10.30 a.m until further orders;

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

[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 petitioner released on bail by the learned Magistrate/Trial Court



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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 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.,

sms

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