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Crl OP No.2167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2167 of 2025

1. K Mathiyazhagan
2.M.Manikandan

Petitioner(s)

Vs

State Rep By
The Inspector of Police, CCIW CID, (Now
Economic Offence Wing), Cuddalore,
Cuddalore District. (Cr.No. 1 of 2025)

Respondent(s)

For Petitioner(s):

C Prakasam

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 316 of BNS in Crime No.1 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with



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other accused had misappropriated funds to the tune of Rs.7,44,639.75/- lakhs from the Edachithur Primary Agricultural Co-operative Credit Society. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are the salesman of the above said co-operative society, and they have been falsely implicated in this case; due to over burden of work, the petitioners could not maintained the stocks but the petitioners duly repaid along with interest; that the custodial interrogation of the petitioners are not necessary in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that he petitioners along with other accused had misappropriated funds to the tune of Rs.7,44,639.75/- lakhs from the Edachithur Primary Agricultural Co-operative Credit Society and the amount have been repaid; that the petitioners ranked as A4 and A5 and they are the salesmen of the above said co-operative society; that the petitioners are habitual offender and there is one previous case, similar in nature, against them. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the nature of allegation, the fact that the misappropriated amount have already been repaid by the petitioners, the case is borne out by records and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Panruti**, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall



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stand dismissed and on further condition that:

[SUNDER MOHAN, J.]

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

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

05-02-2025
(1/3)

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To
1. State Rep By
The Inspector of Police,
CCIW CID, (Now Economic Offence Wing),



Cuddalore, Cuddalore District.
(Cr.No. 1 of 2025)

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