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Crl.O.P.Nos.17665, 17724 & 17794 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.17665, 17724 & 17794 of 2025

S.Ramachandran

... Petitioner/A7 in
Crl.O.P.No.17665 of 2025

G.Sasikumar

... Petitioner/A6 in
Crl.O.P.No.17724 of 2025

1.G.Singaravel
2.G.Jayakumar

... Petitioners/A4 & A5 in
Crl.O.P.No.17794 of 2025

Vs

State by
The Inspector of Police
Economic Crimes Branch,
CCIW-CID,
Thiruvarur District.
(Crime No.2 of 2022)

... Respondent in all Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners



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on anticipatory bail in the event of their arrest by the respondent police in Crime No.2 of 2022 on the file of the respondent police.

In Crl.O.P.No.17665 of 2025

For petitioner : Mr.G.Murugendran

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

In Crl.O.P.No.17724 of 2025

For petitioner : Mr.R.John Sathyan, Senior Counsel
for Mr.P.Balamurugan

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

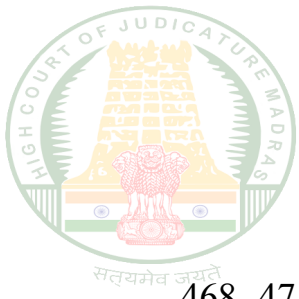
In Crl.O.P.No.17794 of 2025

For petitioner : Mr.R.Murugabharathi

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 465, 466, 467,

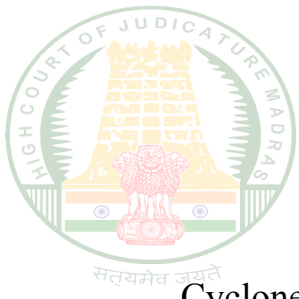


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468, 471, 477A r/w 34 of I.P.C., 1860 in Crime No.2 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused misappropriated the funds to the tune of Rs.18,46,000/- allocated for compensating the victims in the 2012 Neelam Cyclone and 2013 drought which was distributed to the common public in the year 2013. Hence, the case.

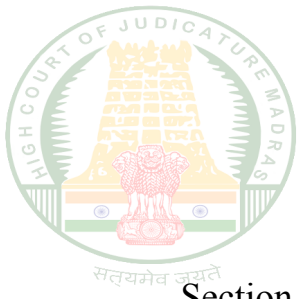
3.The contention of the learned Senior counsel and the learned counsel for petitioners is that the respondent police registered a complaint based on an enquiry report under Section 81 of the Tamil Nadu Cooperative Societies Act, 1988 (hereinafter 'The Act') submitted by the Co-operative Deputy Registrar, Mannargudi. The case registered on 18.07.2022 for misappropriation said to have been committed between 01.02.2013 to 30.06.2013. There was some complaints against Thillaivilagam Primary Agricultural Cooperative Society, in distribution of grants for Neelam



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Cyclone in the year 2013, and hence enquiry against the Society President, Secretary and others conducted under Co-operative Societies Act.

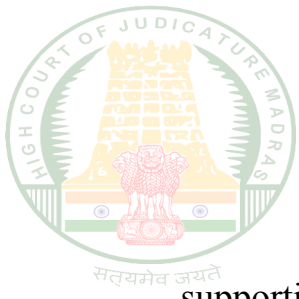
4.The learned counsel submitted that in this case A4 and A5 are the Village Assistants, A6 - Agriculture Officer, A7 - Revenue Inspector. It is projected now that A4 and A5/Village Assistants without field inspection, recommended for issuance of Chitta and Adangal. A6-Agriculture officer certified crop damages without visiting the field and A7-Revenue Inspector issued Chitta and Adangal to the beneficiaries and thereby joined together cheated and misappropriated a sum of Rs.20,23,000/- by creating false and forged documents is the case of the prosecution. The learned counsel further submitted that in this case A1/Secretary of the Society and A3/ Village Administrative Officer were arrested and they were let out on bail. A2/Clerk of the Society obtained anticipatory bail before the Sessions Court in CrI.M.P.No.1067 of 2022 on 05.08.2022. Referring to the said order he submitted that Surcharge proceedings under Section 84 of the Act following



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Section 81 report now set aside. Hence, there is no loss to the Society. He further submitted that these petitioners are no way involved in misappropriation of Society funds.

5. The learned counsel further submitted that the case projected is that petitioners not followed the procedure before issuing certificate. The learned counsel referred to G.O.(2D) No.220 Revenue Department, dated 17.05.2011, wherein, the Village Administrative Officer/A3 against his punishment preferred an appeal to the TNPSC. The TNPSC in its report recorded payment effected based on the list prepared by Primary Level Government Servant, i.e., the Village Administrative Officer and he cannot escape the cannons of law by arguing that supervisory authorities did not find any fault in the list. The higher officials were not familiar with the individuals, who suffered damages to their property. Thus the Village Administrative Officer, as a first line official acted in dis-honest unfair manner in his official duty and hence, cannot plead innocence or of

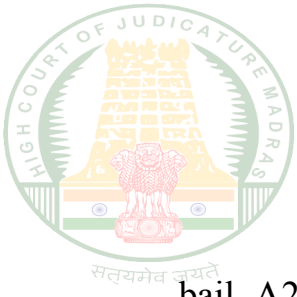


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supportive approval by higher officials. The Village Administrative Officer being the first line officer of the Village ought to have been diligent and shown care and concern before processing applications of the applicant. Admittedly petitioners, Village Assistant are subordinate to VAO and others are Supervisory officers, gone by the records putforth to them. Further it is the cyclone relief fund. The instruction was that the reliefs to be distributed immediately without delay. Now after decades going back and making allegations of earlier happenings of the year 2012 and punishing the petitioners is not proper. Further the respondent police issued notice under Section 41-A of Cr.P.C. for their appearance. Hence, prays to grant anticipatory bail to the petitioners.

6.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the petitioners' contention stating that in this case A1 to A7 committed the offence. A1 and A3 arrested and granted



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bail. A2 obtained anticipatory bail. Enquiry under Section 81 of the Act is a detailed one. Now statement of the witnesses and beneficiaries recorded. It is found some documents forged. Using the forged documents the cyclone relief granted by the Society. The Chitta and Adangal and the damage caused to the crop inflated with false particulars, petitioners played an active role in commission of offence. As regards Section 81 enquiry, is limited to find out the loss incurred to the Society, Hence, only beneficiaries and Co-operative personnels enquired. These petitioners not a party to the enquiry. Now investigation commenced, documents verified, witnesses examined and statements recorded. Hence, for the purpose of investigation, the petitioners were called for enquiry. Hence, strongly opposed for granting anticipatory bail to the petitioners.

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



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8. Considering the submissions made on either side, it is seen that the petitioners are not party to enquiry under Section 81 of the Act. Now surcharge proceedings following Section 81 enquiry set aside. Further the alleged occurrence have taken place in the year 2012, complaint lodged in the year 2021, now notice under Section 41-A Cr.P.C. issued to the petitioners. In this case, now investigation completed, charge sheet filed through e-filing. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of the order copy, before the **learned Judicial Magistrate, Thiruthuraipoondi**, respectively, on condition that the petitioners 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 learned



Magistrate concerned and on further condition that:

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

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioners shall appear before the trial Court on all future hearings;

[d] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall make themselves available for interrogation by the respondent as and when required;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, they shall comply to



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the directions as may be given by the Court in this regard;

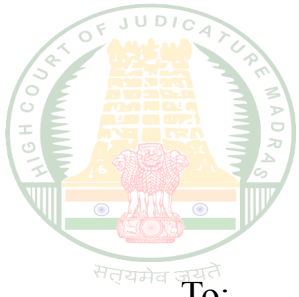
[g] the petitioners shall not abscond either during investigation or trial;

[h] 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];

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

27.06.2025

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To:
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1. The Inspector of Police
Economic Crimes Branch,
CCIW-CID,
Thiruvarur District.

2. The Judicial Magistrate,
Thiruthuraipoondi.

3. The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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