



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Eleventh day of August Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM
CRL OP(MD) Nos.11057 & 11149 of 2015

S.RAJESH

... PETITIONER/ACCUSED IN CRL.OP (MD)NO.11057/15

M.SHAHEER

... PETITIONER/ACCUSED RANK NOT KNOWN
IN CRL.OP (MD)NO.11149/15

MANNAR MOHAMED ALIAS JAHANGEER

... INTERVENOR IN BOTH PETITIONS

Vs

THE INSPECTOR OF POLICE

FORT POLICE STATION (CRIME), TRICHY.

CR. NO. 606 OF 2015.

... RESPONDENT/COMPLAINANT

IN CRL.OP (MD)NO.11057/15

THE INSPECTOR OF POLICE

FORT POLICE STATION (CRIME), TRICHY.

CR. NO. NOT KNOWN OF 2015.

... RESPONDENT/COMPLAINANT

IN CRL.OP (MD)NO.11149/15

For Petitioner : M/S.V.G.KAMALESH Advocate IN CRL.OP (MD)NO.11057/15

M/S.K.M.KARUNAKARAN, Advocate IN CRL.OP (MD)NO.11149/15

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

IN BOTH PETITIONS

For Intervenor : M/S.T.SENTHIL KUMAR, Advocate IN BOTH PETITIONS

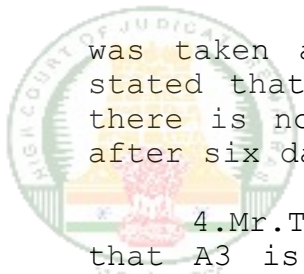
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A3 apprehend arrest at the hands of the respondent police for the alleged offence punishable under 379 of IPC, in Crime No.606 of 2015 on the file of the respondent police and hence, seeks anticipatory bail respectively.

2.The case of the prosecution is that on 01.06.2015, the de-facto complainant had requested A1, who is working under A2 to watch his shop for 10 minutes, since he was going for prayer in the Mosque and thereafter, after coming back to his shop, he immediately left to his house and on the next day, he found that Rs.7,20,000/- kept in the cash box in the shop was missing.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The learned counsel further submitted that the occurrence said to have taken place on 01.06.2015 between 05.00 p.m and 07.00 p.m, despite the de-facto complainant was doing business till 9.45 p.m on that day, the complaint was given only on the next day I.e., on 02.06.2015; that as per the records, the case was registered on 07.06.2015 and the <https://hsevisecourts.gov.in/services/>, dated 02.06.2015 was suppressed in this case. It is further contended that the de-facto complainant has alleged in the complaint, dated 02.06.2015 that he has kept some foreign currency, which



was taken away by the accused and in the subsequent complaint, it is stated that Indian money of Rs.7,50,000/- was taken by the accused and there is no explanation for the delay in giving the present complaint, after six days.

4.Mr.T.Senthil Kumar, learned counsel for the intervenor submitted that A3 is the close friend of the earlier Investigating Officer and therefore, the complaint of the de-facto complainant, dated 02.06.2015 was not entertained by him and after giving complaint to his higher officials, the present complaint was received on 07.06.2015 and even after registration of the case, the Investigating Officer did not show any interest in investigating the matter and therefore, the de-facto complainant has approached the Commissioner of Police, Trichy and thereafter, the case was transferred to Fort Police station and after verifying the conversation between the de-facto complainant and A3, the present complaint stands registered.

5.It is further submitted that the conversation between A3 and the de-facto complainant would reveal that the accused had taken away Rs.7,20,000/- from the shop of the de-facto complainant and as per the direction of this court, the learned Government Advocate (Criminal side) has produced the typed copy of the conversation between A3 and the de-facto complainant, in which A3 has admitted the commission of offence. However, the learned counsel for the 3rd accused disputed the alleged conversation and submitted that it is a distorted version.

6.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the investigation is at the initial stage and the amount is not yet recovered and therefore, custodial interrogation of the petitioners is required in this case.

7.Considering the submission of the learned Government Advocate (Criminal side) and the learned counsel appearing for the intervenor, this court is not inclined to grant anticipatory bail to the petitioners at this stage. Hence, both petitions are dismissed.

sd/-
11/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE INSPECTOR OF POLICE
FORT POLICE STATION (CRIME), TRICHY.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC TO M/S.V.G.KAMALESH ADVOCATE SR.NO. 45496
+1CC TO M/S.T.SENTHILKUMAR, ADVOCATE IN SR.NO. 45294
+1CC TO M/S.K.M.KARUNAKARAN, ADVOCATE IN SR.NO. 45468

SR : 14.08.2015 : 2p/6c

ORDER
IN