



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

Wednesday, the Sixteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.19898 of 2015

SILAMBARASAN

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP.BY THE INSEPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT,
CR. NO.61/2015

... RESPONDENT / COMPLAINANT

KARTHIK

...INTERVENOR

For Petitioner : M/S.S.C.HEROLD SINGH Advocate
for M/S.T.JEEN JOSEPH Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

For Intervenor : M/S.S.SURESH KUMAR Advocate

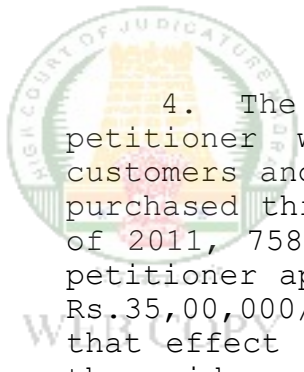
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 23.09.2015 for the alleged offences punishable under Sections 409, 465, 468, 471 and 420 of the Indian Penal Code in Crime No.61 of 2015 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner is the Sales Manager of one M/s.Vetri Construction Equipment Company in Nagercoil. The said company is carrying on business of sale of TATA Hitachi Earth Mover, having branch office in various Districts. The petitioner was working from 2007 at various branches and from the year 2010 to till the month of June, 2015, he was working at Nagercoil Branch. During that period, the petitioner collected money from various customers and issued bogus receipts to the tune of Rs.33,59,850/- and collected Rs.16 lakhs from other customers and did not issue any receipts. He misappropriated a total sum of Rs.50 lakhs.

3. The case of the petitioner is that the petitioner is a close relative of the owner of the company and there was some misunderstanding between them, therefore, a false complaint has been foisted against the petitioner. It is the further case of the petitioner that he has resigned the job and incentive was given to the petitioner by TATA HITACHI company and other incentives were not paid to the petitioner and the petitioner has not committed any offence and his name has been falsely implicated in this case.



4. The learned counsel for the Intervenor submitted that the petitioner while working in a Company collected money from various customers and did not deposit the same in the Company account, instead, he purchased three properties in Kulathupalayam Village in Document Nos.13782 of 2011, 7587 of 2013 and 1227 of 2014. When the same came to light, the petitioner appeared before the Madurai Branch and promised to pay a sum of Rs.35,00,000/- to the firm on or before 31.07.2015 and he gave a letter to that effect signed before the Notary public. Subsequently, he did not pay the said amount. On the other hand, on 31.07.2015, the petitioner settled the property purchased by him in the name of his wife and thus, cheated the defacto complainant and therefore, he prayed for dismissal of the bail application.

5. The learned counsel for the petitioner submitted that the letter relied on by the defacto complainant is obtained by coercion and he has given complaints to the Superintendent of Police on 02.08.2015 and 26.10.2015.

6. The learned counsel for the Intervenor submitted that when the matter came up for hearing on 15.10.2015, the petitioner has not stated anything about coercion. On the other hand, he has agreed to settle the matter and only on his undertaking, the matter was referred to Mediation and Conciliation Centre of this Bench and this Court has granted interim bail to the petitioner in Crl.O.P(MD)No.19898 of 2015.

7. Heard the learned Government Advocate (Criminal Side).

8. From the materials, it is seen that this Court has granted interim bail to the petitioner till 20.11.2015, on the ground that the defacto complainant and the petitioner are close relatives and there is a possibility of settlement and referred the matter before the Mediation Centre. But, no settlement was arrived at during Mediation.

9. Considering the fact that the charges levelled against the petitioner is that he has misappropriated a sum of Rs.50,00,000/- and after agreeing to repay a sum of Rs.35,00,000/- to the petitioner on or before 31.07.2015 and he encumbered the property in the name of his wife on 31.07.2015 and as such, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed and the interim bail already granted to the petitioner stands cancelled.

sd/-
16/12/2015

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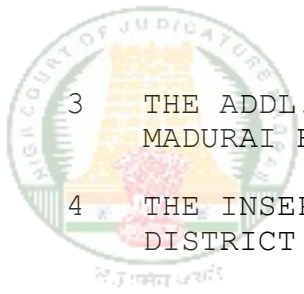
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.



3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSEPECTOR OF POLICE
DISTRICT CRIME BRANCH, KANYAKUMARI DISTRICT.

5 THE OFFICER IN CHARGE, SUB JAIL, NAGERCOIL.

+1. CC to M/S. S.C.HEROLD SINGH Advocate SR.No. 72045.

+1cc to M/S.S.Suresh Kumar, Advocate in SR.No. 72731

TS/18.12.2015/3P-8C/SK-SKN/SAR - II

ORDER
IN
CRL OP (MD) No.19898 of 2015
Date :16/12/2015