



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

Wednesday, the Fourth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3637 of 2015

S.RAVIKUMAR

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
PALAM POLICE STATION, TIRUNELVELI JUNCTION,
TIRUNELVELI DISTRICT. CRIME NO. 900/2014 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S. P. JAMEELARASU Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

For Intervenor : M/S.A.Thiruvadikumar Advocate

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

ORDER : The Court Made the following order :-

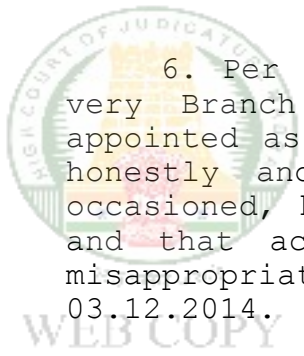
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 420 and 506 (i) IPC in Crime No.900 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. This is second anticipatory bail petition. By a detailed order dated 21.01.2015 in Crl.O.P.(MD) No.21874 of 2014, this Court dismissed the anticipatory bail petition as against this petitioner, but granted the relief to the co-accused.

4. The case of the prosecution is that this petitioner (A1) was an employee of Chennai Mobiles (defacto complainant) and between 24.08.2014 and 29.10.2014, this petitioner had misappropriated materials valued over Rs.5,00,000/- from the defacto complainant's company.

5. Learned counsel for the petitioner submitted that allegations cannot be true, because apart from this petitioner, there is also an Accountant, who is responsible for maintaining accounts. Learned counsel for the petitioner further submitted that there is also an Area Manager, who would come every week and scrutinize the accounts. He also submitted that for the occurrence that took place between 24.08.2014 and 29.10.2014, a complaint was given only on 03.12.2014 on account of personal vengeance, which the Area Manager had towards this petitioner.



6. Per contra, learned counsel for the Intervenor submitted that the very Branch was opened only on 24.08.2014 and this petitioner was appointed as Branch Manager in the hope that he would perform his duties honestly and with responsibility. The delay in lodging the FIR had occasioned, because during Deepavali festival, the turn over was so heavy and that accounts were reconciled only after Deepavali and when the misappropriation came to light, the complaint was immediately lodged on 03.12.2014.

7. There is much force in the submission of the learned counsel for the defacto complainant. As regards the contention of the learned counsel for the petitioner that an Accountant is also there in the company, the investigation is only at the preliminary stage and during the custodial interrogation of this petitioner, if it comes to light that the Accountant is also involved in the offence, then Law will necessarily catch up with him also.

8. In the result, there is no merits in the anticipatory bail petition. Hence, the Criminal Original Petition is dismissed.

sd/-
04/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE INSPECTOR OF POLICE
PALAM POLICE STATION, TIRUNELVELI JUNCTION, TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.Thiruvadikumar Advocate SR.No. 10187,

TS/04.03.2015/2P-4C

ORDER
IN
CRL OP(MD) No.3637 of 2015
Date :04/03/2015