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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.8690 of 2016

T.MARIMUTHU ... PETITIONER/ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
CR. NO.24/2016 ... RESPONDENT/COMPLAINANT

FOR PETITIONER : NO APPEARANCE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(i) IPC, in Crime No.24 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused, who were the employees in a private finance viz., Unica Finance, have joined together and misappropriated a sum of Rs.23,24,560/-. On complaint case has been registered for the above said offences.

3.When the Criminal Original Petition was taken up for hearing on 23.06.2016, the learned counsel for the petitioner sought permission of this Court to withdraw the petition and the said request was rejected and the petition was posted on 30.06.2016 and on 30.06.2016, there was no representation on the side of the petitioner and therefore this petition was posted today under the caption for dismissal and even today, there is no representation on the side of the petitioner. Therefore, this petition is disposed of on merits on the basis of the arguments advanced by the learned Government Advocate (Criminal side).

4.The learned Government Advocate (Criminal side) submitted that the de facto complainant is running Unica Finance Company under a valid money lender licence vide Licence No.2/2010-2011 in R.dis.(B3)7632/2010 of the Tahsildar, Thoothukudi and also registered as a firm as No.2 of 2010, dated 08.01.2010 with the District Registrar, Thoothukudi. The petitioner/A.2 was functioning as collection agent in the said company from the year 2011 till August 2015 and he has collected the various amounts from the parties and did not deposit the amounts in the company. The petitioner signed a statement addressed to M/s.Unica Finance, Sivaganapuram, dated 03.02.2016, stating that he has taken a sum of Rs.3,01,180/- from the company and he will return back the same. On investigation, it was found that the petitioner along with the other accused have not accounted the amount in the company, received from various persons. The accounts relating to the finance company has to be scrutinised and the same has to be sent for expert opinion. No amount has been recovered from the accused so far. If the petitioner is released on anticipatory bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the serious nature of allegation made against the petitioner and the petitioner, while working as collection agent, misappropriated the amounts of the de facto complainant and others and no amount has been recovered, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-
12/07/2016

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
   DISTRICT CRIME BRANCH,
   TUTICORIN DISTRICT.

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

ORDER
IN
CRL OP(MD) No.8690 of 2016
Date :12/07/2016

SMN
TE/PEK/SAR-I : 18/07/2016 : 2P/3C