



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

Monday, the Twenty Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.887 of 2018
IN
CRL OP(MD) No.16459 of 2017

D. DEVADASAN

... PETITIONER

Vs

1 STATE REP.BY
THE INSPECTOR OF POLICE
KALAKADU POLICE STATION,
TIRUNELVELI DISTRICT.

...RESPONDENT NO.1/COMPLAINANT

2 SAMUEL

... RESPONDENT NO.2/1ST ACCUSED

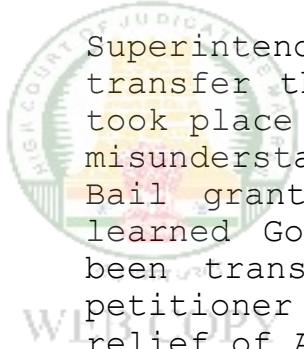
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the Anticipatory Bail which was granted by this Honourable Court by order dated 30.11.2017 in Crl.OP(MD)No. 16459/2017

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.RAJIV RUFUS, Advocate for the petitioner and of MR.A.ROBINSON Government Advocate (Crl.Side) for R1 and of MR.P.PON KARTHIKEYAN, Advocate for R2 the court made the following order:-

The second respondent herein was shown as an accused in Crime No.462 of 2017 on the file of the Inspector of Police, Kalakadu Police Station, Tirunelveli District. The second respondent herein was an employee under the petitioner, Devadasan. It appears that the second respondent had committed misappropriation to the tune of Rs.2 Crores, while he was at Soudi Arabia. The act of misappropriation committed by the second respondent has also been caught in CCTV footage.

2. The second respondent herein applied for Anticipatory Bail by filing an Crl.O.P.(MD)No.16459 of 2017. This Court in Paragraph-4 of the order dated 30.11.2017 observed that since no one sustained injury in the alleged occurrence, this Court was inclined to grant Anticipatory Bail. Actually, this is a case of misappropriation of sum of Rs.2 Crores.

3. The learned Government Advocate (Crl.Side) submitted that a sum of Rs.78,00,000/- has been recovered from another accused. The



Superintendent of Police, Tirunelveli District has sent a request to transfer the case to the CBCID, since the act of misappropriation took place abroad. Since Anticipatory Bail was granted on a factual misunderstanding of the issue, this Court cancels the Anticipatory Bail granted on 30.11.2017 in Crl.O.P.(MD)No.16459 of 2017. The learned Government Advocate (Crl.Side) submits that the case has been transferred to CBCID for further investigation. But, the petitioner is at liberty to file a fresh application for grant of relief of Anticipatory Bail.

4. Accordingly, this petition is allowed.

sd/-
23/04/2018

/ TRUE COPY /

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

PNN

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
KALAKADU POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.PON KARTHIKEYAN, Advocate SR.No.6876

GJM/CSL/ASVM/26.4.18-2P-6C

ORDER
IN
CRL MP(MD) No.887 of 2018
IN
CRL OP(MD) No.16459 of 2017
Date :23/04/2018