



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2119 of 2018

PONNUCHAMY

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY, MADURAI.
(CRIME NO.640 OF 2017)

... RESPONDENT / COMPLAINANT

SENTHILKUMAR

... PETITIONER / DEFACTO COMPLAINANT

For Petitioner : Mr.D.SELVARAJ Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

For Intervenor : Mr.P.THILAK KUMAR , Advocate for
Mr.R.M.ANBUNITHI, Advocate

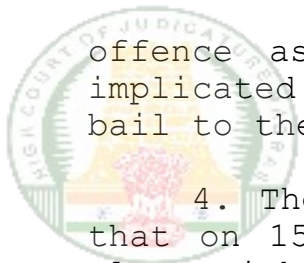
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 342, 408, 379 and 506(i) of IPC., in Crime No.640 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Manager of Sri Vinayaga Finance & Company, Madurai. At the time of verification of accounts by the defacto complainant, he came to know that a sum of Rs.8,00,000/- was not accounted. On enquiry, the defacto complainant came to know that one Ponnuchamy/the petitioner herein, who was working as Branch in-charge at Madurai had taken the amount for his personal use and at the time of enquiry, the petitioner assured that he will settle the amount. On 15.08.2017, the petitioner came along with four persons, quarrelled with the defacto complainant and took away the documents relating to the security deposit and also taken a sum of Rs.6,00,000/- from the Company. Thereby, the defacto complainant lodged a complaint before the respondent police. Hence, the case has been registered against the accused persons for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any



offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor submitted that on 15.08.2017, the petitioner/A1 came to the Finance Company along with two persons and introduced one Muthuraman, and informed to the defacto complainant that he verified with them and they want to open a new account. But, the defacto complainant requested them to come on the next day and they went from the place. After some time, they suddenly entered into the Company, at that time, A1 instructed the other accused to caught hold the defacto complainant and he took away the account books, property documents, cheques, promissory notes and a sum of Rs.6,00,000/- from the Company.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the stolen properties are not yet recovered. According to the prosecution, the investigation is in progress.

6. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused in this case committed the theft of Rs.6,00,000/- and so many records pertaining to the Finance Company, which includes pro-notes, cheques and other valuable documents. So far, the stolen properties are not recovered. No doubt for recovering the stolen property, custodial interrogation is necessary. Therefore, if anticipatory bail is granted in favour of the petitioner, the process of investigation will be prejudiced. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION, MADURAI CITY,
MADURAI.

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

+1. CC to M/S.D.SELVARAJ Advocate SR.No.49744

pjl

JAM/05/03/2018/ CM-VR / SAR 2 / 2p-4c