



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2229 of 2018

S.JESURAJ

... PETITIONER / ACCUSED NO.2

Vs

1 THE SUPERINTENDENT OF POLICE
COMMERCIAL CRIME INVESTIGATION WING,
O/O. DIRECTOR GENERAL OF POLICE, CHENNAI

2 THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING,
TIRUCHIRAPPALLI
(REF. CRIME NO.1/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SHANMUGARAJA SETHUPATHI Advocate

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

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

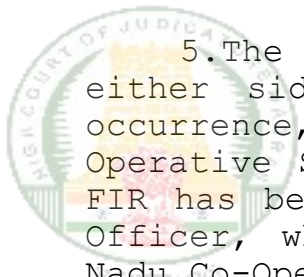
ORDER : The Court Made the following order :-

The petitioner / A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 406, 408, 477 (A) r/w 120 (B) of Indian Penal Code in Crime No.1 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have misappropriated the funds of the Cooperative Society where they were working.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the misappropriated amount was not recovered. According to him, investigation is still pending.



5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that prior to the occurrence, the petitioner was working as Senior Clerk in the Co-Operative Society, in which, the occurrence was happened. Now the FIR has been registered, based on the report given by the Enquiry Officer, who conducted the enquiry under Section 81 of the Tamil Nadu Co-Operative Societies Act.

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6.According to the case of the prosecution, the Secretary, who is A1 in this case already repaid the amount to the tune of Rs.3,00,000/-. But according to the reports given by the Enquiry Officer, a sum of Rs.17,58,454/- was misappropriated, during the time of occurrence. As of now, the amount, which was misappropriated has not been fully recovered. Therefore, for recovering the misappropriated amount, custodial interrogation is necessary. If anticipatory bail is granted in favour of the petitioner herein, it will prejudice the process of investigation.

7.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/02/2018

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

TO

- 1 THE SUPERINTENDENT OF POLICE
COMMERCIAL CRIME INVESTIGATION WING,
O/O. DIRECTOR GENERAL OF POLICE, CHENNAI
- 2 THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING,
TIRUCHIRAPPALLI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.2389

ORDER IN
CRL OP(MD) No.2229 of 2018
Date :13/02/2018