



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

Friday, the Twenty Third day of March Two Thousand and Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4516 of 2018

1 R.KALYANASUNDARAM

... PETITIONER / SOLE ACCUSED

Vs

1 THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION, MADURAI
DISTRICT. (CRIME NO.17 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MURUGANANDAM Advocate

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

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

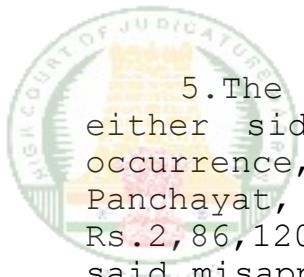
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 408 I.P.C., in Crime No.17 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as a Panchayat Clerk in Thullukutty Nayakkanur Panchayat, Periyar Taluk. In the year 2011, there was an inspection by the Assistant Director Panchayat and in the audit, he found that a sum of Rs.2,86,120/- causing loss to the said Panchayat. Thereby, notice was issued to the petitioner. But he has not given any proper rely. Hence, the defacto complainant, who is the Assistant Director of Panchyat lodged a complaint for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.



5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner being the clerk of Thullukutty Nayakkanur Panchayat, Periyar Taluk and he misappropriated a sum of Rs.2,86,120/- from the funds available in the Panchayat. So far, the said misappropriated amount have not been recovered. In general, in order to complete the investigation for this type of offence, particularly under Section 408 I.P.C., process of recovery has be to completed. For which, custodial interrogation of the petitioner is necessary. Hence, considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
23/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4516 of 2018
Date :23/03/2018

SDS/PMI/SAR-4/12.04.2018/2P/3C