



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.568 of 2018

KARTHIKA

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
IN CRIME NO.31 OF 2017.

... RESPONDENT / COMPLAINANT

SHEIK ISMAIL

... PETITIONER/ INTERVENER

For Petitioner : M/S.A.JOEL PAUL ANTONY, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)
For Intervener : M/S.K.BAALASUNDHARAM, Advocate

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

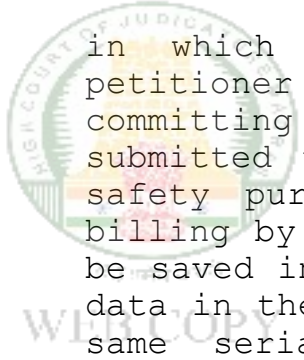
ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 14.12.2017, for the offences punishable under Sections 406, 408, 420 and 477(A) of IPC., in Crime No.31 of 2017, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, at the time of working as Cashier in SMNS Shopping Mall, Aranthangi has altered the original bills and misappropriated the amount and on the basis of the complaint made by the customers, the defacto complainant with the assistance of the Computer Engineer, verified with the computer entries and found that the above cheating was happened from 01.04.2016 to 15.10.2017. Immediately, he lodged the complaint against the petitioner and other accused. Hence, the case has been registered against the accused persons.

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

4. The learned counsel appearing for the intervenor would submit that the intervenor is the Manager of the said shopping Mall,



in which the petitioner was working. He submitted that the petitioner misappropriated the money to the tune of Rs.42 lakhs by committing frauds in the bills through computer. He further submitted that the main server has been installed in Trichy for safety purpose. It is pertinent to note that immediately after billing by the petitioner/accused in the Supermarket, the same will be saved in the main server in Trichy automatically. From the saved data in the server, it was confirmed that the petitioner forged the same serial numbers, which were given to the customers and manipulated the same in the computer which is situated in the Supermarket in Aranthangi.

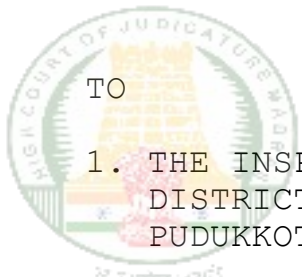
4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner/accused committed cheating from 01.04.2016 to 15.10.2017 to the tune of Rs.42,00,000/- from the said Shopping Mall. He further submitted that the respondent police recovered Rs.60,000/- cash, two LED Televisions, 20 grams of gold and 270 grams of silver from this petitioner/accused and the remaining amount is not yet recovered from the accused. He further submitted that the letter sent by the petitioner/accused was also sent for getting expert opinion and the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. As per the submissions, the alleged occurrence was happened from 01.04.2016 to 15.10.2017. Initially after made arrest and custody, the learned Judicial Magistrate, Alangudi, Pudukottai District, granted bail to the petitioner. Thereafter, the defacto complainant herein filed an application before the Principal District and Sessions Judge, Pudukottai for cancellation of bail, in which the learned Principal District and Sessions Judge, Pudukottai passed an order of cancellation of bail. While so, the petitioner surrendered before the same Judicial Magistrate Court, on 14.12.2017 and she is now in judicial custody. According to the prosecution, it is alleged that the petitioner being the prime accused who altered the bills conveniently and misappropriated the amount to the tune of Rs.42,00,000/-. As of now, the letter sent by the petitioner/accused to the respondent agency was also sent for getting expert opinion. Further more, the amount, which was misappropriated by the petitioner is not fully recovered. So, considering the above said aspects, this Court find that custodial interrogation of the petitioner is necessary. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
12/01/2018

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



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
2. THE SUPERINTENDENT, WOMEN PRISON (CENTRAL JAIL),
TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.568 of 2018
Date :12/01/2018

MS/PM-PN/SAR.1/25.01.2018/3P.4C