



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.12236 of 2017

PONNUCHAMY

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI DISTRICT.
CRIME NO.640/2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.KATHIRVELU, Senior Counsel for
M/S.F.DEEPAK Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

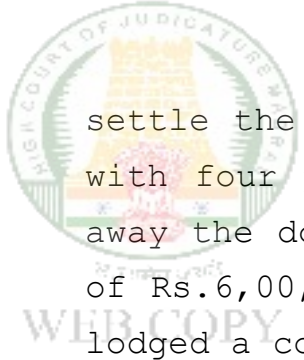
For Intervenor : MR.R.M.ANBUNITHI, Advocate

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as A1 in Crime No.640 of 2017 on the file of the respondent police Karimedu Police Station, Madurai District. He apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 342, 408, 506(i) and 379 IPC., he has filed this petition, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of Sri Vinayaga Finance & Company, Madurai. On 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 incharge Ponnuchamy had taken the amount for his personal use and he assured that he will

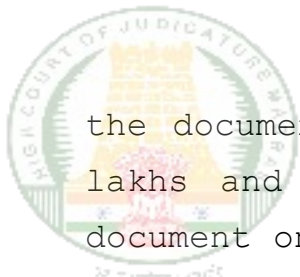


settle the amount. On 15.08.2017 the incharge Ponnuchamy came along with four persons, quarreled with the defacto complainant and took away the documents relating to the security deposit and taken a sum of Rs.6,00,000/- from the Company. Thereby, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner had served in the finance Company nearly 8 years with an unblemished service. The said Finance Company had promised that they will make him a working partner and further promised to pay a sum of Rs.10,00,000/- towards his marriage and housing. When this was demanded by the petitioner, a false complainant was given against the petitioner stating that the petitioner has taken away a sum of Rs.6,00,000/- along with some documents.

4.The learned counsel appearing for the Intervenor submitted that on 15.08.2017, A1 came to the Finance Company, he introduced one Muthuraman and stated that he has completed his account now he is ready to open new account. The defacto complainant requested the accused persons to come tomorrow. But after some time, they came to the finance company and the A1 show the defacto complainant and directed the others accused to questioning the defacto complainant at that time, the other accused took away the account books and documents from the defacto complainant's table and A1 forcibly took the key of the bureau from the defacto complainant table and also took away a sum of Rs.6,00,000/- from the bureau. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate(Criminal Side) submitted that totally there are four named accused and some unnamed accused are involved in this offence. The petitioner herein is arrayed as A1. During the time of alleged occurrence, the petitioner has taken away



the documents from the Company, which was worth about more than 50 lakhs and the said documents are not yet produced. Based on the document only, the defacto complainant lodged a complaint. According to him, investigation is not completed.

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6.Considering the submissions made on either side, it disclose that the offence under Sections 147, 342, 408, 506(i) and 379 I.P.C., has been registered against this petitioner/A1. Now, on go through the facts of the case, during the time of alleged occurrence, the petitioner and some other accused had taken away the notebooks and other records from the place of occurrence. According to prosecution, those note books and other documents are not recovered. The learned counsel for the intervenor submitted that the note books are the main documents which shows with regard to the transaction of the company. According to the prosecution, investigation is not completed. No doubt, the documents, which were taken away by the accused are all necessary for completing the investigation. Therefore, custodial interrogation is necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
08/01/2018

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

TO

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

ORDER
IN
CRL OP (MD) No.12236 of 2017
Date :08/01/2018