



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.11.2018
CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

WEB COPY

CrI.O.P.(MD).No. 20220 of 2018

O. Sabeer Ali .. Petitioner
President,
Z637, Swamimalai
Primary Agricultural,
Co operative Society,
Swamimalai, Thanjavur

Vs.

1. The State Represented by
Inspector of Police,
Swamimalai Police Station,
Thanjavur District in ..1st Respondent
Crime No.167 of 2018.

2. L. Selvam ..2nd Respondents

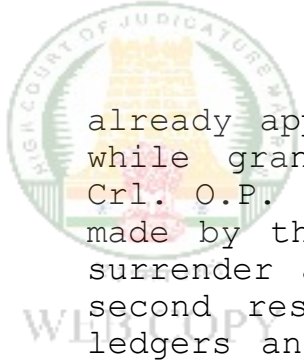
PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the first respondent to secure the second respondent in Crime No.167 of 2018 on the file of the first respondent police and recover the account books, ledgers and keys of strong room and the safety locker room and the books of accounts which was maintained from 01.04.2015 to 17.04.2018, which belongs to the society and handover the same to the petitioner.

For Petitioner : Mr.Venkatesh for
M/s.Niranjan S.Kumar
For Respondent-1 : Mr. R. Anandharaj
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the first respondent to secure the second respondent, in Crime No.167 of 2018 on the file of the first respondent police and to recover the account books, ledgers and keys of strong room and the safety locker room and the books of accounts which were maintained from 01.04.2015 to 17.04.2018, which belongs to the Society and handover the same to the petitioner.

2. The learned Counsel for the petitioner would submit that a case has been registered against the second respondent herein by the first respondent in Crime No.167 of 2018 under Sections 403, 406 & 381 of I.P.C. He would further submit that the second respondent



already approached this Court for anticipatory bail. This Court while granting anticipatory bail, by Order dated 07.09.2018 in CrI. O.P. (MD) No.14867 of 2018, had taken note of the submissions made by the intervener and had directed the second respondent to surrender and appear for enquiry. During the time of enquiry, the second respondent was directed to hand over the account books, ledgers and keys of strong room and safety locker room and other materials taken from the society. This Court had also directed the second respondent to comply with the conditions under Section 438 Cr.P.C., scrupulously and 15-days time was granted to appear before the concerned Magistrate Court. He would further submit that even during the submissions in the earlier anticipatory bail, the second respondent had made false averments stating that the key was already handed over to the Society.

3. The learned Additional Public Prosecutor would submit that, pursuant to the grant of anticipatory bail on 07.09.2018, the second respondent had not surrender before the concerned Magistrate Court and not appeared for enquiry and thereby the anticipatory bail order has lapsed by efflux of 15-days automatically. He would further submit that a special team has been formed and steps have been taken to secure him and to recover the documents and materials in possession of the second respondent.

4. Taking into consideration the submission made by both sides, the first respondent is directed to proceed further in accordance with law.

5. With the above observations, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.Niranjan S.Kumar Advocate in SR.No.95047

CrI.O.P. (MD) .No. 20220 of 2018
12.11.2018