



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20920 of 2018

1.RAJARAM
2 SENTHIL RAM

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.241/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.JOTHIBASU Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

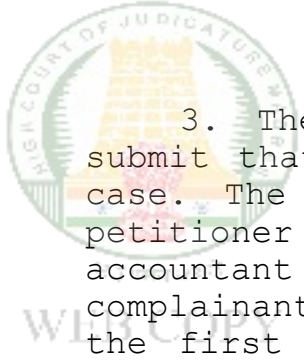
For Intervenor : MR.G.KARUPPASAMY PANDIYAN

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406, 417, 468, 420 and 506(i) of IPC., in Crime No.241 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the second petitioner/second accused herein the brother-in-law of the first petitioner/first accused. The first petitioner was working as an accountant in the petrol bulk namely Indhira Priyadharshini Petroleum, Kulasekaranallur from July 2017 to March 2018. The first petitioner herein prepared forged bills and had misappropriated a sum of Rs.5,00,000/-. On scrutiny of bills prepared by the first petitioner in the name of Minerva School and Saraswathi Lorry service and others they found that they have not filled diesel as per the bills. When the same was questioned by the defacto complainant, the first petitioner herein admitted his guilt and has given an undertaking that he will return the money. Thereafter the first petitioner did not repay the money and when the same was questioned the defacto complainant, the petitioners herein abused the defacto complainant in filthy language and threatened him with dire consequences.



3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case. The second petitioner is the brother-in-law of the first petitioner. It is admitted that the first petitioner was working as accountant in the petrol bunk which was taken by the defacto complainant on lease. Blank signature was obtained in papers from the first petitioner and cheque was also given in this regard. Thereafter on 14.09.2018 the first petitioner sent a legal notice to the owner. On 15.11.2018 the defacto complainant sent a legal notice to the first petitioner stating that he has presented the cheque for collection two times and it was returned as "Payment Stopped by Drawer". He would also submit that the defacto complainant is one of the partner in the Kalaimahal Petrol Bulk for a period of six months and due to dispute among partners they have sustained loss and in order to cover up the same, the petitioners have been made as an accused. The second petitioner apart from being a brother-in-law of the first petitioner he has no role in the alleged offence

4. The learned counsel for the defacto complainant would submit that though initially the petitioner refused to accept the same but later admitted that he had misappropriated the funds in the petrol bulk, forged bills have been prepared in the names of Minerva School and Saraswathi Lorry service and other persons, petitioner admitted their guilt and had handed over the statement accepting their liability and misappropriation further they agreed to repay the amount. The first petitioner herein has issued a cheque and thereafter he has issued stop payment to the cheque. It is a clear case of cheating and the misappropriation of huge amount and the investigation is at the crucial stage and the accused have to be taken into custody to recover the misappropriated amount.

5. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that the investigation is at the crucial stage and there are documents and witnesses to show that the petitioners herein has committed the offence. *Prima facie* found that the petitioners herein have committed a well planned and orchestrated offence.

6. Considering the above facts and circumstances of the case and taking note of the submissions of the learned Government Advocate (crl.side), this Court is not inclined to grant the relief of anticipatory bail to the petitioners. Hence, this Criminal Original Petition stands dismissed.

sd/-
03/01/2019

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



TO

1 THE SUB INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.G.M.LAW OFFICE, Advocate SR.No.118
+1cc to MR.G.KARUPPASAMY PANDIYAN , Advocate in SR.No. 65

ORDER

IN

CRL OP (MD) No.20920 of 2018

Date :03/01/2019

AE/PN/SAR1/07.01.2019/3P/5C