

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12845 of 2020 and

Crl.M.P.No.5255 of 2020

Manoharan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
B-1, Bazar Police Station (Crime),
Coimbatore City,
(Crime No.787 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.787 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Intervenor : Mr.S.Sathish Rajan

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 408 of IPC, in Crime No.787 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Thangameswaran is that the petitioner is working under him and that on 20.08.2019, the defacto complainant had directed the petitioner to receive the amount from Chandra Jewellery, Kaveripattinam at 12.30 noon. The petitioner has received the amount from the Proprietor of Chandra Jewellery and thereafter, he has boarded a bus and the petitioner did not return for duty and his phone was also switched off and he absconded. The defacto complainant has given a complaint to the Police and later, it was found that the petitioner has misappropriated the money given by Chandra Jewelers to be handed over to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He is suffering with various ailments and that he lost the money in the bus. Hence, he seeks to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has misappropriated the money handed over by the business associates of the defacto complainant. He would submit that the petitioner claims that the amount was lost while traveling in the bus, but no complaint has been given so far. Even immediately after the incident, the petitioner has not reported for duty and he has absconded. Earlier, the petitioner has approached this Court when the case was in the petition enquiry stage and that, this Court by an order in Crl.O.P.No.10274 of 2020, had directed the petitioner to report for enquiry whereas the petitioner has not reported for enquiry and still absconding.

5.The learned counsel for the intervenor would submit that the petitioner has misappropriated the amount and absconded.

6.Taking into consideration the facts and submissions made by the learned counsel for the petitioner and that the amount has to be recovered and no complaint has been given by the petitioner to any authority in respect of the theft of money, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

-sd/-

03/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
B-1, BAZAR POLICE STATION(CRIME),
COIMBATORE CITY.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. OM SAI RAM Advocate on payment of necessary charges
SR.No.6132

CRL OP.12845/2020
& CRL.MP.5255/2020

Date :03/09/2020