BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12 of 2020

C.Arun Kumar ... Petitioner/Accused No.3

Vs

1.The Superintendent of Police,
Office of Superintendent of Police,
Tuticorin.

2.The Inspector of Police,
Sipcot Police Station, Tuticorin.
Crime No.494 of 2019. ... Respondents/Complainants

For Petitioner : Mr.J.Mathesh, Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For intervenor : Mr.N.S.Karthikeyan, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.494 of 2019 on the fiile of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent and the learned counsel for the intervenor.

2.The petitioner is figuring as A3 in Crime No.494 of 2019 on the file of the Sipcot Police Station, Tuticorin for the offences punishable under Sections 420, 467, 468, 294(b), 506(2) and 34 of IPC. He seeks anticipatory bail.

3.The counsel for the petitioner states that the petitioner's bank account was made use of by the defacto complainant's company for certain purpose and that whatever money that was put in his bank account was duly transferred based on the instructions of the company.

4.It is seen that A1 was working as Manager in Surface Logistics in its Tuticorin branch. It is having headquarters in Bangalore. The specific allegation of the prosecution is that there was a collusion between A1, A2 and A3 and that is how the company's funds were diverted and siphoned of. It is evident from the record that the money in question came to the account of A3/petitioner herein from the account of the defacto complainant company. The prosecution alleges that it was A1 who facilitated this transaction. I posed a specific question to the learned counsel for the petitioner as to what happened to the money that came from the defacto complainant company to the petitioner. The petitioner's counsel states that as per the arrangement, he withdrew the said amount and transferred to the account of A1 and A2. It is not the case of the petitioner that he rendered some service to the defacto complainant and that is why the amount was transferred to him.

5.The petitioner in collusion with the other two accused has caused loss to the defacto complainant's company. Therefore, taking note of the role played by the petitioner herein and finding force in the objection raised by the learned Government Counsel, I am of the view that this is not a case in which the anticipatory bail should be granted. This petition stands dismissed.

sd/-
06/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1.THE SUPERINTENDENT OF POLICE,
OFFICE OF SUPERINTENDENT OF POLICE,
TUTICORIN.

2.THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, TUTICORIN.

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

+1 CC to M/s.K.K.SAMY, Advocate (SR-234[I] dated 07/01/2020)
+1CC TO Mr.N.S.Karthikeyan, Advocate, Sr No.391

ORDER IN
CRL OP(MD) No.12 of 2020
Date :06/01/2020

MS/JC/SAR-1/21.01.2020/2P.6C