



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

Date : 03/02/2020

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PRESENT

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

CRL OP(MD) . No.1006 of 2020

D.Samuvel ...Petitioner/Accused(Rank not known)
Vs

The state represented by,
The Inspector of Police,
S.S.Colony Police Station,
Crime No.141 of 2020,
Madurai District. ... Respondent/Complainant

For Petitioner : M/s.J.Senthil Kumar,
Advocate.

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

For Intervener : Mr.K.Mahendran

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

PRAYER :-

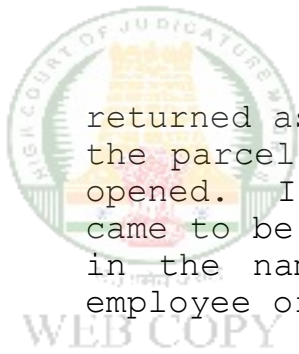
for Anticipatory bail in Crime No.141 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under section 379 of
I.P.C., in Crime No.141 of 2020 on the file of the respondent
police, seeks anticipatory bail.

3. The case of the prosecution is that the complainant is
engaged in supply of commercial goods to his customers. The
complainant will make dispatch, based on the orders placed. While
so, the complainant received an order from one Kavitha for supply of
one mobile phone. The complainant will make the supplies through
one Elaine Logistics. The parcel sent by the complainant was



returned as if the item was rejected by the customer Kavitha. Since the parcel was weighing considerably less, out of suspicion, it was opened. It was an empty parcel. There upon enquiry was made and it came to be known that it was the petitioner who had placed the order in the name of Kavitha. The petitioner is none other than the employee of the Bylane Logistics.

4.The learned counsel for the petitioner ofcourse denies all these allegations and states that the petitioner is living with his grandmother. For the purpose of eking out his livelihood, he is working as a Supervisor in Bylane Logistics and he has nothing to do with the transactions.

5.After carefully considering the entire contents of the First Information Report, it is seen that serious allegations have been made against the petitioner. It is not as if it is a solitary incident. It appears that quite a few such incidents have taken place.

6.The specific complaint of the learned counsel for the intervener is that the petitioner along with other persons used to place bogus orders and there after take away the valuable items. The total loss suffered by the complainant appears to be around Rs.96,887/-.

7.In the very nature of things, the issue needs custodial interrogation of the petitioner. Unless, the petitioner is custodily interrogated, it is not possible to recover the stolen items. I am of the view that it is not a fit case for granting anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/02/2020

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

TO

1 THE INSPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI DISTRICT



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

+1. CC to Mr.K.Mahendran Advocate SR.No.2137

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ORDER

IN

CRL OP(MD) No.1006 of 2020

Date :03/02/2020

MK/SKN/SAR 3 (10.02.2020) 3P 4C