



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

Date : 03/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4001 of 2020

Saravanan Mani ... Petitioner/Accused rank not known

Vs

- 1.The State Rep by
The Inspector of Police,
East Police Station,
Kumbakonam,
Thanjavur District.
2. The Superintendent of Police,
Thanjavur District.
3. The Union Government of India,
Rep. by its Secretary,
The Ministry of External Affairs,
Government of India.

... Respondents

For Petitioner : M/s.P.Andiraj,
Advocate.

For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. not known on the file of
the Respondent Police

ORDER : The Court made the following order :-

This anticipatory bail petition is filed with the following
averment:-

''1.The petitioner understand that a case have
been foisted against him by the State of Kuwait for
the offences U/S 420, 406 IPC. The petitioner
apprehend to be arrest by the respondents.

3.The petitioner submit that according to the
case of the prosecution is that the petitioner was
appointed as Assistant Accountant at ALORF Hospital
State of Kuwait in the year 2015. The nature
of avocation is that he has to prepare the invoice
and submit to the chief accountant of said hospital.



In turn the chief accountant has prepared the cheque in the name of director of the hospital and thereafter the petitioner has placed the cheque to the concern bank and received the fund and handed over to chief accountant of said hospital. This is a routine duty of the petitioner from the date of appointment.

4.The petitioner submit that during the working period in the month of February to September 2019 in the said hospital, there are 11 cheques was placed by the petitioner for collection of fund for the tune one crore twenty seven lakhs. According to the allegation of the prosecution is that the 11 cheques was forged by the petitioner and misappropriated in the above said amount and therefore the petitioner has committed the breach of trust.''

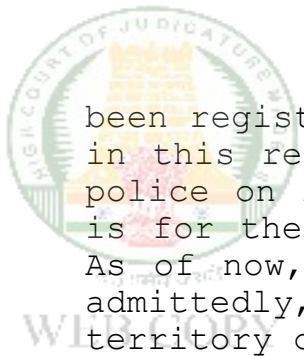
2.The case of the petitioner is that when he came to India on casual leave, to his shock and surprise, he received an information from U.C.O. Bank, Kumbakonam, where he is maintaining Savings Account, that his account has been freezed as per the requisition of Legal Wing of the State of Kuwait. On enquiry with the Bank officials, he came to know that his employer has made a complaint of misappropriation against him. Now, apprehending arrest by the respondent police herein, the present petition is filed.

3.To ascertain whether any case has been registered by the respondent herein in respect of the misappropriation took place in Kuwait, this Court directed the learned Government Advocate (Criminal side), to find out whether any complaint has been registered against the petitioner by the respondent police.

4.The learned Government Advocate (Criminal side) appearing for the respondent would submit that one ALORF Hospital has given a complaint to the Ambassador, Embassy of India, on 02.02.2020, requesting the co-operation of the Embassy to investigate on the matter pertaining to forging of signature by the petitioner herein and misappropriating nearly 13 Million Indian rupees. The request of the Company to the Indian Embassy is to investigate the matter through the relevant Department and to arrest the suspected Mani Saravanan Mani, Passport No.M6711674. The said Mani Saravanan, who is the petitioner herein, is seeking anticipatory bail. The learned Government Advocate (Criminal side) would further submit that based on the letter of ALORF Hospital, addressed to the Ambassador, Embassy of India, which in turn, forwarded the same to the Government of Tamil Nadu and thereafter, the same has been forwarded to the Superintendent of Police, Thanjavur, was taken up for consideration under C.N.CIE/397872/2020, dated 02.02.2020 and the matter is under process.

<https://hcservices.ecourts.gov.in/hcservices/>

5.In view of the above, this Court cannot grant anticipatory bail as sought by the petitioner herein, since no case so far has



been registered or no action has been taken by the respondent police in this regard. The petitioner shall appear before the respondent police on receipt of summons and place his case before them and it is for the respondent to proceed based on the materials collected. As of now, there is no case registered against the petitioner and admittedly, the alleged offence has not been taken place within the territory of India, but elsewhere.

6. In the above circumstances, when offence under I.P.C. is not made out, granting anticipatory bail in expectation of registration of a case under IPC offence or any legal provision under Indian territory, does not arise. Accordingly, this petition is dismissed.

Sd/-
03.03.2020

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

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TO

1. The Inspector of Police,
East Police Station,
Kumbakonam,
Thanjavur District.
2. The Superintendent of Police,
Thanjavur District.
3. The Secretary,
Union Government of India,
The Ministry of External Affairs,
Government of India.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4001 of 2020
Date : 03/03/2020

KK/SKN/SAR2/06.03.2020/3P-5C