



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.11267 of 2020

Selvamuthukumar

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No.01 of 2019

... Respondent/Complainant

For Petitioner : Mr.M.Jerin Mathew,
Advocate.

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

For Intervenor : Mr.Muthu Vijayapandian
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.01 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under sections 120(B), 406 and 420 IPC, in Crime No.01 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Branch Manager of Secure Value India Ltd. A1 to A4 are being the employees of the defacto complainant's Company, when filling money in ATM, A1 to A4 had misappropriated a sum of Rs.86,00,000/-. Thereafter, A1 to A4 have illegally transferred the said amount to A5's account, who is none other than the brother of A3. Hence, the case has been registered.



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

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4. The learned counsel for the petitioner submitted that the petitioner is no way connected with the other accused. He further submitted that at the time of alleged crime, the petitioner was not in India and he was abroad. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused, in which, the petitioner herein is arrayed as A5, who is none other than the brother of A3. All the accused were arrested and recovered a sum of Rs.9,35,000/- from A1 to A4. Further, the investigation revealed that a sum of Rs.66,00,000/- transferred to the petitioner's account and yet to recover and as such, the custodial interrogation of the petitioner is necessary in this case.

6. It is seen that the petitioner arrayed as A5, who none other than the brother of A3. A1 to A4 are employees of the defacto complainant's Company namely 'Secure Value India Ltd'., and their duty is filling the cash in the ATM machine. In this regard they misappropriated to the tune of Rs.86,00,000/-. Thereafter, the entire amount has been transferred to the account of A5 and so far recovered a sum of Rs.9,35,000/- and the petitioner yet to be secured by the respondent police.

7. Considering the above facts and circumstances of the case and considering the fact that, this petitioner is committed very serious offence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Original Petition stands dismissed.

sd/-
13/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.11267 of 2020

Date : 13/10/2020

VSD

TK/PN/SAR.4/22.10.2020/3P/3C