



WEB COPY

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

Date : 08/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.14057 of 2020

Murugesan ... Petitioner/Accused No.3

Vs

The State through
The Inspector of Police,
CCB, Trichy District.
(Crime No.3/2020).

... Respondent/Complainant

For Petitioner : M/s.R.Murugappan,
Advocate.

For Respondent : No Appearance,

: Mr.R.Nanjilkumar
Inspector of Police(CCB)
Trichy City,
appeared in person.

For De-facto Complainant : Mr.B.Jameel Arasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 408, 417 and 420 of I.P.C., in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The learned counsel appearing for the petitioner mainly

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



contended that the first accused had involved the act of misappropriation and he is responsible for the entire misappropriation to the tune of more than Rs.1,16,37,948/-. The first accused was released on anticipatory bail and therefore, the present petitioner, who is arrayed as A3, also to be released on anticipatory bail. The learned counsel for the petitioner has taken an effort to narrate the facts and circumstances with reference to the civil dispute pending.

4.The Inspector of Police viz., Mr.R.Nanjilkumar, appeared in person and presented the case of the prosecution.

5.The Inspector of Police says that the investigations are in progress. During the course of investigation, the facts revealed are that A1 by suppressing certain facts and by way of misrepresentation got an anticipatory bail and the de-facto complainant also filed a petition to cancel the anticipatory bail. A2 and A3 are the aid of A1 and they are also attempting to conceal certain facts and preliminary investigation reveals that A1 is in possession of valuable properties and constructed buildings. This apart, A2 and A3 are now absconding and in spite of the fact that the Inspector of Police issued summons to attend for an enquiry, they attended the enquiry and thereafter absconding. A2 and A3 are absconding with the assistance of A1 and all the accused persons are having nexus and attempting to hide certain facts and the investigations are in progress in this aspects also. A3 was working as an Accounts Officer and actively participated in the offence of misappropriation of huge funds. Now, A3 is getting the support of A1 and absconding.

6.This Court is of the considered opinion that if an anticipatory bail is obtained by suppressing the certain vital informations or by way of misrepresentation, the prosecution is bound to file a petition to cancel anticipatory bail. Thus, it is left open by the prosecution to file cancellation of anticipatory bail petition. In the present case, the de-facto complainant has already filed a petition to cancel the anticipatory bail as for as A1 is concerned.

7.This being the preliminary facts established, this Court is of the considered opinion that interrogation of accused are important for the purpose of culling out the truth regarding the offence. Thus, it is not preferable to release this petitioner on anticipatory bail. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
08/12/2020

/ TRUE COPY /

/ /2020

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



TO

1 THE INSPECTOR OF POLICE,
CCB, TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.14057 of 2020

Date :08/12/2020

Ns

AE/SMA/SAR-II (11.12.2020) 3P / 3C