



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 02.11.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.7886 of 2021

Selvamuthukumar

... Petitioner/Accused
Not Known

Vs

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

... Respondent/Complainant

For Petitioner : M/s.M.Jerin Mathew, Advocate

For Respondent : M/s.T.Senthilkumar
Additional Public Prosecutor

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 apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 406 and 420 IPC in Cr.No.01 of 2019, seeks anticipatory bail.

2. The prosecution case is that the defacto complainant is the Branch Manager of Secure Value India Ltd., a company entrusted with the work of filling money in ATM centres. A1 to A4, being the employees of the defacto complainant's Company, when filling money in the ATM, misappropriated to the tune of Rs.86,00,000/- and illegally transferred the said amount to this petitioner's [A5] account, who is the brother of A3. Hence, the complaint.



3. Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submitted that the amount was inadvertently transferred to the petitioner's account and that he is ready to return the said amount and co-operate for the investigation.

4. On the said submission made by the petitioner's Counsel, this Court, by order dated 17.09.2021, granted interim anticipatory bail to the petitioner and directed him to co-operate for the enquiry.

5. It is reported by the learned Additional Public Prosecutor that the petitioner, having obtained an interim order against arrest, neither appeared before the respondent police nor co-operated for the enquiry. Therefore, this Court by order dated 30.09.2021 has provided one more opportunity to the petitioner to co-operate for the enquiry. Even then, the petitioner failed to co-operate for the enquiry.

6. Learned Additional Public Prosecutor further submitted that the investigating agency has so far recovered a sum of Rs.9,35,000/- and the remaining amount is yet to be recovered.

7. Considering the nature of offence, role played by the petitioner, coupled with his conduct in not co-operating for the investigation after obtaining an interim order of protection from this Court and taking into account that the amount swindled is yet to be recovered, this Court is not inclined to entertain this application any further.

8. Accordingly, this criminal original petition stands dismissed. It is open to the respondent police to secure the petitioner and proceed further in accordance with law.

Sd/-
02/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

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 concerned.



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.7886 of 2021

Date :02/11/2021

SP/TR/SAR II/11/11/2021/3P/3C