



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2028 of 2022

1 SUBRAMANIAN
2 KANNAMBAL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM DISTRICT
(CRIME NO.10/2020)

[RESPONDENT]

For Petitioner : M/S B.MUNEESWARAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(i) of IPC, in Crime No.10 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners are the parents of Accused No.1. Accused No.1 was engaged in share trading business and collected money from the defacto complainant and deposited the collected money in the petitioner's account. Subsequently, due to unforeseen circumstances in the business, Accused No.1 incurred loss and could not able to return the money to the defacto complainant. Hence, the Law Enforcing Agency registered a case against the petitioners.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that petitioners are aged persons and believing the words of the Accused No.1 who is their son, opened the account and in the said account, misappropriated amount was credited by their son. Therefore, he submits that custodial interrogation may not be necessary for completing the investigation. Hence, he pleads for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that if the petitioner is released on bail, he may try to tamper the witnesses and hamper investigation. He further submitted that a portion of misappropriated amount was collected from the public and it was deposited in the petitioner's account. Therefore, if the petitioners are released on bail, it would not be possible to recover the amount and complete the investigation.

5. The submission made by the learned counsel on either side is considered.

6. Considering the fact that the misappropriated amount was not recovered and investigation is still pending, if anticipatory bail is granted to the petitioners, it would affect the process of investigation. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

09/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S B.MUNEESWARAN Advocate on payment of necessary charges
CRL OP.2028/2022

Date :09/02/2022

RW 23/02/2022