



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5542 of 2022

A.NANDHINI DEVI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI - 600 017.
CRIME NO.12 OF 2022.

[RESPONDENT]

For Petitioner : M/S. E.D.SETHUPATHI Advocate

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

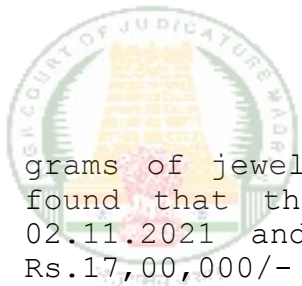
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 408, 465 and 477A of IPC, in Crime No.12 of 2022, seeks anticipatory bail.

2. This petition has been filed for seeking anticipatory bail in the case registered by the respondent Police, pursuant to the direction of the Judicial Magistrate under Section 156(3) Cr.P.C.

3. From the complaint it appears that the petitioner herein is serving as a Branch Manager of the defacto complainant Bank and she introduced one Shanthi Meena and created records as if she has pledged 201 grams of jewels and disbursed a sum of Rs.6,44,000/- and also dropped Rs.5,00,000/-. When the petitioner was enquired about this, she stopped attending the office and switched off her phone. Thereafter, auditing was conducted and found that she has disbursed a sum of Rs.4,00,000/- loan as against the jewels worth only Rs.2,00,000/-. She has also abused the trust and had drawn Rs.48,100/- in the name of the co-employee viz., Jayasurya, as if, 7.1



grams of jewel has been pledged. However, on verification, it was found that the jewels pledged for only 3.1 grams. Thus, between 02.11.2021 and 10.11.2021, the petitioner has swindled a sum of Rs.17,00,000/- by creating fake documents.

4. The petitioner herein claims that even if there is any shortage as per the arbitration clause in the agreement between the petitioner and the defacto complainant, the same has to be referred to arbitrator, since, the dispute is between the employer and the employee. The defacto complainant has already exhausted the arbitration clause and appointed one K.R.Krishnakumar, Advocate at Trissur, Kerala, as an arbitrator. While so a criminal complaint is not sustainable.

5. The learned Government Advocate (Crl.Side) submits that the arbitration clause is only regarding the dispute connected with employment and recovery and not for forgery and fraudulent creation of fake documents and misappropriation which is purely criminal in nature and not a subject matter of the arbitration.

6. In the light of the allegations made against this petitioner, this Court is of the view that the custodial interrogation is necessary in this case and the grant of anticipatory bail will tamper the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
10/03/2022

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,
R-1, MAMBALAM POLICE STATION,
CHENNAI - 600 017.



CRL OP.5542/2022

Date :10/03/2022

JPA 17/03/2022