



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

Dated: 24/03/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.9529 of 2021

1. M.Kannan
2. M.Sirajudeen
3. D.Jerome Edwin Joseph : Petitioners / Accused
Rank not Known

Vs.

State rep. By
The Inspector of Police,
District Crime Branch,
Trichy.
(Crime No.12 of 2014) : Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar, Advocate
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor
For Intervener : Mr.S.Vinayak, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2014 on the file of the Respondent Police.

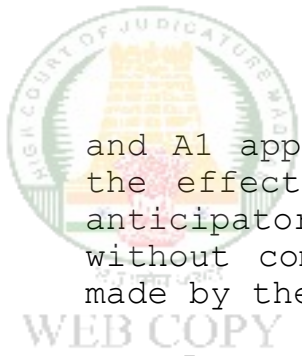
ORDER : The Court made the following order :-

The petitioners, who were arrayed as accused persons apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 120(B), 467 and 477(A) IPC, in Crime No.12 of 2014 on the file of the respondent police, seek anticipatory bail.

2.The petitioners are facing the charges for the offences under sections 120(B), 467 and 477(A) IPC.

3.Heard both sides.

4.The learned counsel appearing for the petitioners would submit that only based upon the confession statement of the first accused the name of the petitioners also included in the offence



and A1 appeared before the Enquiry Officer and gave a statement to the effect that he will settle the entire issue. On that basis, anticipatory bail was granted to A1. But later, he absconded without complying his undertaking. That was the earlier submission made by the petitioners.

5. But on going through the CD file, this court was of the view that the petitioners are also involved in the misappropriation of money, which belongs to the complainant. It is also observed that the total amount involved in this offence is more than Rs.55 lakhs. Based upon the compromise made between some other accused persons and the de-facto complainant, Crl.OP(MD)No.4087 of 2015 was allowed, by order, dated 16/03/2005. It was also submitted by the learned counsel appearing for the petitioners that they will settle the matter through mediation, if the amount involved in respect of them, can be ascertained. But they were not in a position to inform the court about the correct amount in respect of which this petitioner is implicated. Noting that the petitioners are ready to settle the amount, the matter was referred to the mediation centre and kept pending and adjourned. It has been submitted that in the mediation process, no settlement has been arrived and the de-facto complainant claims excess amount.

6. Now the learned counsel appearing for the de-facto complainant would submit that because of the stay order that has been passed by this court, final report has not been filed before the concerned court.

7. The learned Additional Public Prosecutor would submit that since the money involved in this matter is more than Rs.55,00,000/-, the custodial interrogation of the petitioners are very much required.

8. But the crime is of the year 2014. Even after a lapse of eight years, it appears that the investigation is not completed. Considering the amount involved in this misappropriation, this court is not inclined to grant anticipatory bail to the petitioner, since, according to the learned Additional Public Prosecutor, the custodial interrogation of the petitioners is required.

9. In the result, this criminal original petition is **dismissed**.

sd/-
24/03/2022

/ TRUE COPY /

/ /2022
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 concerned.

TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.9529 of 2021
Date :24/03/2022

er
USK/VR/SAR-I/29.03.2022/3P/3C