



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 29/08/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP (MD) Nos.10527 and 14445 of 2022

Crl.OP(MD)No.10527 of 2022:

Karuppusamy

... Petitioner/Accused No.4

Vs.

The State rep. By
The Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.
(Crime No.18 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.T.SASIDHARAN TAMILKANI, Advocate
For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BIAL under Sec.438 of Cr.P.C.

PRAYER:- For Anticipatory Bail in Crime No.18 of 2022 on the file of the Respondent Police.

Crl.OP(MD)No.14445 of 2022:

Muthukrishnan

... Petitioner/Accused No.1

Vs.

The State rep. By
The Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.
(Crime No.18 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.UDHAYAKUMAR
For Respondent : Mr.R.M.ANBUNITHI
Additional Public Prosecutor

PETITION FOR BIAL under Sec.439 of Cr.P.C.



PRAYER:- For Bail in Crime No.18 of 2022 on the file of Respondent Police.

COMMON ORDER:- The Court made the following order:-

The petitioner in Crl.OP(MD)No.10527 of 2022, who is arrayed as A4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 408, 468, 471, 420 and 120(B) IPC, in Crime No.18 of 2022 on the file of the respondent police, seeks anticipatory bail, whereas the petitioner in Crl.OP(MD)No.14445 of 2022, who is arrayed as A1 was arrested, on 18/07/2022 and remanded to judicial custody for the alleged offences punishable under sections 406, 408, 468, 471, 420 and 120(B) IPC, in Crime No.18 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that during the audit work that was undertaken in the Muthood Finance Corporation in Thirupuvanam Branch, it was found that the total amount of Rs.51,55,260/- has been misappropriated by all the accused persons, who are working in various cadres in the above said branch and it has been specifically stated that the earlier loan applications and documents such as adhar card, voters ID and family card have been misused for the purpose of misappropriating the money as if loans have been sanctioned to various persons on the basis of the above said documents during the relevant period. A1-Muthukrishnan and A2-Selvamani and A3-Kanyanasundaram were working as Public Relation Officers and for the above said illegal act, the Loan Disbursing Officer Karupusamy, the Manager Madhu Prakash the Area Manager Maripandi and another branch Manager Syed Ali and Cashier Vignesh were also colluding and the further enquiry and auditing also disclosed to the effect that the above said amount has been misappropriated by all these persons. When domestic enquiry was undertaken, all the three persons admitted their guilt and also sought time to settle the amount. A portion of the misappropriated amount of Rs.18,000/- was settled by A1-Muthukrishnan and Rs.90,000/- by A3-Kalyanasundaram. But later, absconded. On the basis of the complaint, the case was registered and during the course of investigation, various documents have been collected and A1 was arrested and remanded to custody. On the basis of the confession statement of the co-accused persons, the role that has been allegedly played by the other persons came to light.

3.Now, A4 seeking anticipatory bail and A1 seeking bail have filed separate petition on the ground that the earlier complaint that was filed by the company was closed by a honest Investigating Officer, in 2018 itself. But later, a dishonest officer came to the branch and he filed the FIR. To show that the present Inspector of Police is also involved in the bribe case and he was arrested and



remanded to custody and so, the FIR registered by the ()st officer should not be taken into consideration.

4. On going through the entire CD file, it reveals that the earlier complaint was closed on the basis of the legal advise given by the concerned Legal Adviser to the Superintendent of Police, since the relevant document was not enclosed along with the complaint.

5. It is further seen that on the basis of the above said legal advise, the complainant himself has given a letter stating that with the relevant documents, he will file a fresh complaint and only on that basis, the first complaint was closed. After closure of the first complaint, by enclosing the auditor report as well as the other documents, a fresh complaint has been filed. On the basis of the said complaint, proper order has been obtained from the Superintendent of Police.

6. On going through the records, the Superintendent of Police has granted permission to register the case and proceed. Only based upon which, the present complaint has been registered. So the contention on the part of the petitioners to the effect that the original complaint was closed by the honest investigating officer and later that was filed by the dishonest officer is not at all correct on record. Even though, the concerned officer is involved in a bribe case, that cannot be taken into account for the purpose of finding that the case itself is a false one. During the course of auditing only, the above said misappropriated amount was found out, on the basis of the forged documents. Such sort of enquiry cannot be found fault and cannot be stated that it is not true one. *Prima facie* materials have been collected and on the basis of the *prima facie* materials, A1 has been arrested and remanded to judicial custody and more than Rs.51,00,000/- is involved in the issue and no amount has been recovered. Already A1 settled Rs.18,000/- and A3 deposited Rs.90,000/-. Except that the balance amount has not been recovered.

7. Now the investigation is also in the initial stage. If the first accused is enlarged on bail, there is every likelihood of hampering the investigating process. So also, the 4th accused is not entitled for the discretionary relief of anticipatory bail. So, I find no merit in both the petitions.

8. In the result, these criminal original petitions are **dismissed**.

sd/-

29/08/2022

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/09/2022

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



Crl.OP(MD)No



2:-

- 1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI,
SIVAGANGAI DISTRICT.
- 2 THE OFFICER INCHARGE
SUB-JAIL, THIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

Crl.OP (MD) Nos.10527 and
14445 of 2022

Date :29/08/2022

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