

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.13723 of 2022

Arokiasamy,

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
Cr.No. 70/2021.

... Respondent/Complainant

For Petitioner : Mr.S.T.Sasidharan Tamilkani, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.70/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 409 IPC in Crime No.134 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was working as Regional Manager at Muthoot Finance Company, Tirunelveli. In the month of August 2021, after conducting audit in his company, the de-facto complainant found that A1 to A6 along with other accused persons were colluded together and when the customers mortgaged their jewels, the accused persons gave loan to them and made entries to the higher amount, than the actual jewel loan given to the customers and misappropriated the balance amount. Further, they have also stolen the mortgaged jewels i.e., 1.350 kgrms worth about Rs.54,00,000/- and thereby, caused loss and cheated the company. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the de-facto complainant filed a civil suit for recovery of money in O.S.No.92 of 2021 on the file of the Additional District Judge, Tenkasi. After filing a civil suit, the de-facto complainant purposefully made a criminal complaint against the petitioner and other accused. He would further submit that A1 has already settled Rs.42,00,000/- to the de-facto complainant and he gave an assurance to settle the balance amount within three months. The petitioner is only an employee of the company and he is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) strongly opposed this petition stating that all the accused persons joined together and misappropriated the cash and jewels of the Muthoot Finance Company. The investigation is not yet completed.

5.Considering the gravity and nature of the offence and also considering the fact that the quantum of huge amount involved in this case, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

29/09/2022

/ TRUE COPY /

/10/2022

Sub-Assistant Registrar (C.S.)

Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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
SENDHAMARAM POLICE STATION,
TENKASI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-10782[I]
ORDER

IN

CRL OP(MD) No.13723 of 2022

Date :29/09/2022

PKP/GB/SAR-2/12.10.2022/2P/4C