



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.15128 of 2022

Muthuselvan, ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli District.
Crime No.68 of 2022.

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

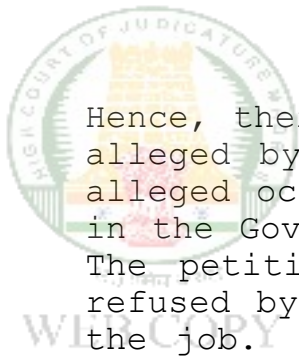
For Anticipatory Bail in Crime No.68 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 408 and 420 of IPC, in Crime No.68 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Suriyakala was working as a Supervisor for the past six months in the Patrol Bulk namely OVI Petrol Bulk situated at Tirunelveli to Tenkasi Main Road. The petitioner was working as a Fuel Dispenser in the above said bulk for the past 5 years. From 24.04.2022 to 28.05.2022, the petitioner was stealing petrol and diesel from his company and caused a loss of Rs.3,33,288.77/-. After checking Atos Machine, the defacto complaint knows about the illegal act of the accused person. Hence, the complaint.

3. The learned counsel for the petitioner would submit that it is the duty of the defacto complainant to check the stock of the petrol and diesel every day and made an entry in the company diary.



Hence, there is no possibility of stealing the petrol and () as alleged by the prosecution. He would further submit that on the alleged occurrence date, the petitioner was not on duty and he was in the Government Hospital to admit his son for his neuro problem. The petitioner claimed increment of his salary and the same was refused by the management. Hence, the petitioner decided to leave the job. Due to the said motive, the present complaint has been lodged. He is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that that the petitioner was stealing petrol and diesel from the defacto complainant's company, which was worth about Rs.3,33,288.77/-. He would further submit that investigation is at the preliminary stage and custodial interrogation of the petitioner is very much necessary.

5.Considering the gravity and nature of offence and considering the worth of the property and also the facts that investigation is at the preliminary stage and custodial interrogation of the petitioner is very much necessary, this Court is not inclined to grant anticipatory bail to the petitioner.

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.

CP

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
SEETHAPARPANALLUR POLICE STATION, TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.15128 of 2022

Date :29/09/2022

PKP/GB/SAR /11.10.2022/2P/3C

<https://www.mhc.tn.gov.in/judis>