



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2022

PRESENT

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

CRL OP(MD). No.16659 of 2021

WEB COPY

Rakesh

... Petitioner/Accused No.2

Vs

The State Rep.by,
The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District.
Crime No.19 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Mahalakshmi S,
Advocate

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

For Intervener : Mr.Ajmalkhan,
Senior Counsel
for M/s. Ajmal Associates

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

PRAYER :-

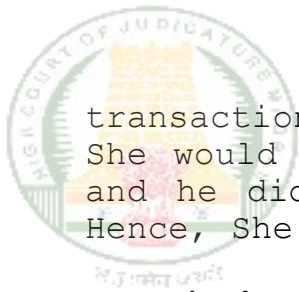
For Anticipatory bail in Crime No.19 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 418 and 420 of IPC, in Crime No.19 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of TVS Automobile Solution Company Ltd. The petitioner is the Sales Executive of the said company. One Mr.Sankaranarayanan cheated and defrauded the company to the tune of Rs.1,53,10,918/-. The petitioner conspired with the said Sankaranarayanan and caused huge loss to the Company by creating false codes, wrong accounting etc. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner, being Sales Executive of the Company, does not have any authority to deal with the creation of customer codes or to handle finance and



transaction held between the defacto complainant and first 1. She would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, She prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that there is a specific overt act against the petitioner and investigation in this case is not yet completed. Since huge amount was involved in this case, custodial interrogation of the petitioner is very much necessary. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel appearing for the Intervenor strongly opposed for grant of anticipatory bail to the petitioner.

6.Considering the nature and gravity of the offence and considering the amount involved in this case and a specific overt act against the petitioner and also considering the fact that the investigation is still pending, the custodial interrogation of the petitioner is very much necessary. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
27/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.16659 of 2021
Date :27/10/2022

RK/SSS/SAR- 3(11/11/2022) 2P/3C

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