



WEB COPY



Crl.O.P.No.482 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 408 and 34 of IPC in Crime No.14 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that all the accused, three in number are employers in a company engaged in cash replenishment Agency offering services of cash replenishment through bank ATMS. During internal audit it was found there is shortage of Rs.62,60,800/- after internal investigation, having confirmed that the custodians of the cash had misappropriated the same, the complaint was lodged naming all the three accused in the FIR. The petitioner is A2. Hence, the complaint.

3. Arguing for grant of anticipatory bail, the counsel for the petitioner/A2 submit that his client's job is to replenish cash in the ATMS as directed by his Supervisor who is A1 and that the accounts with regard to replenishment of cash was exclusively dealt with A1 and that his client has



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nothing to do with the allegation of shortage of cash. In support of his argument by producing two copy of the orders passed by the learned Judicial Magistrate No.1, Tiruppur, in C.M.P.No.10332 of 2022 filed by A1 but other C.M.P.No.10751 of 2022 filed by A3. He further submit that the learned Judicial Magistrate No.1,Tiruppur, had granted bail to both A1 and A3 and hence, this Court may also take a lenient view and grant anticipatory bail to this petitioner.

4.The learned Government Advocate (Crl. Side) appearing for respondent would submit that the it is a case of rank forgery and all the accused had misappropriated huge amount of Rs.62,00,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the fact that the crime involved in this case is one of misappropriation of the fund belonging to various banks and the *modus operandi* of the accused in misappropriating the cash while refashioning the cash in the ATM machines, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is



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dismissed.

6.Before parting with this case taking a firm view of granting bail to the accused involved in this type of cases, Registry is hereby directed to call for an explanation from the learned Judicial Magistrate No-1, Tiruppur, as to the circumstances under which bail was granted to A1 and A3 in C.M.P.No.10332 of 2022 and C.M.P.No.10751 of 22.

12.01.2023

vsn

To
The Judicial Magistrate No-1, Tiruppur,

T.V.THAMILSELVI, J.



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