



CrI.O.P.No.20289 of 2023

Orders Reserved on
15.09.2023

Orders Pronounced on
20.09.2023

CrI.O.P.No.20289 of 2023

RMT. TEEKAA RAMAN., J.

It is a case of alleged misappropriation of funds by using swipe card machine.

2. The petitioners/accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 403, 408, 420 and 477A of IPC based on the false complaint registered in Cr.No.158 of 2023, seeks anticipatory bail.

3. The case of prosecution is that the petitioner was working as Receptionist and Accountant in the defacto complainant's clinic M/s.Access Dental Clinic for the past 1 1/2 years. On 25.01.2023, when the petitioner was in duty, at about 10.30 pm., after generating settlement copy from the Card Swipping Machine, there was Rs.8000/- deficit in the balance. On the next day, the petitioner took leave; that the said deficit amount of Rs.8,000/- was identified; that on enquiry by one Ms.Yuvarani, it was found that a



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patient who was billed Rs.6500/- in cash and Rs.1500/- in GPay was transferred to the petitioner's account and it was siphoned by her. On further enquiry, the defacto complainant made clinic's patient and found that the petitioner/accused misappropriated a total sum of Rs.2,65,800/- and subsequently upon complaint made by the defacto complainant, CSR was issued vide CSR No.52 of 2023 dated 18.02.2023. Later, on 09.06.2023, the respondent police registered FIR in Crime No.158 of 2023.

4. The learned counsel for the petitioner submitted that for the past six months, the defacto complainant misbehaved with the petitioner and gave sexual torture of her in the clinic premises; that the petitioner who was under the employment of the defacto complainant, scared and tolerated all the sexual torture made by the defacto complainant; that the defacto complainant misbehaved with the petitioner and used very vulgar words; subsequently the petitioner warned the defacto complainant that she would file police complainant; that thereafter the petitioner informed all these to her husband and quit from job; that the petitioner is no way connected to the alleged crime and a false case has been foisted against her.



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5. In view of the submissions made by the learned counsel making certain allegations against the defacto complainant, this Court has directed the investigation officer to file status report on 07.09.2023. Today, status report has been filed stating that the petitioner was called upon for enquiry; that the petitioner appears to have given written statement and accepted her guilty and sought time for returning the money to the defacto complainant. The Anticipatory Bail petition filed before the Principal District Judge, Chennai in Crl.MP No.4322 of 2023 was dismissed on 27.02.2023. Alongwith the status report, annexure has been attached giving details of the date of transaction, amount of misappropriation by the petitioner, name of the persons who have been given treatment by the defacto complainant, patient ID name and corresponding cell number. The counter sheet maintained by them during the course of their employment has also been produced.

6. After going through the records, I find that the petitioner appears to have developed an unique method of misappropriation of funds as a receptionist in the dental clinic run by the defacto complainant. While crediting the amount remitted by the patients, the petitioner has transferred the said amount by Gpay to her known number as could be seen from some



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of the documents filed by the investigation officer. It is alleged that over a period of two years, she has taken up a sum of Rs.4,89,600/-.

7. Heard the learned counsel for the petitioners as well as Government Advocate (Crl.side) and perused the records.

8. Considering the over tact alleged against the petitioner, the documents seized by the investigation officer during the course of investigation and the modus operandi adopted by the petitioner, as stated supra, I find that the petitioner will tamper the evidence and threaten the witness which would affect the investigation proceedings, which is at the preliminary stage. Hence, I am not inclined to grant anticipatory bail to the petitioner for the present, with a liberty to file fresh application after passage of time or change in circumstances.

9. Accordingly, this Criminal Original Petition is dismissed.

20.09.2023

rgf



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20.09.2023