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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4303 of 2023

1. Murugan

2. Sankar

3. Jeyaram

4. Pasupathi

... Petitioners/Accused No.2,3,5&6

Vs

The Inspector of Police,
Sernthamaram Police Station
Tenkasi,
Thenkasi District.
Cr.No.70/2021.

... Respondent/Complainant

For Petitioners : Mr.S.Vishnuvardhan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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 petitioners/A2,3,5 and 6 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 409 of I.P.C., in Crime No. 70 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the defacto complainant is working as a Manager in Muthoot Finance Private Ltd and he submitted that when the accounting team of the company inspected the branch and audited the accounts the

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the name of their friends and relatives more than that required by the customers and they have not given proper receipt to the real customers. Therefore there is a shortage of 1350.4 gms of gold ornaments in the said branch and the value of the said gold ornament is about Rs.39,29,100/- Further 725.5 gm of gold ornaments were missing from the sealed gold kept in the cover and the value of the said gold is Rs.54,00,000/- The first respondent had utilized the said misappropriation amount for the benefit of his wife, hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that accused 1 to 6 have pledged the customers jewels in the name of their friends and relatives more than the amount required by the customers and they have not given proper receipt to the real customers. Therefore there is a shortage of 1350.4 gms of gold ornaments in the said branch and the value of the said gold ornament is about Rs.39,29,100/- Further 725.5 gm of gold ornaments were missing from the sealed gold kept in the cover and the value of the said gold is Rs.54,00,000/-, hence he objected to grant bail to the petitioners.

5. Heard. Perused the materials available on record including the First Information Report.

6. It is seen that there are totally seven accused in this case and the petitioners herein are arrayed as A2, A3, A5 and A6. All the accused had misappropriated a sum of Rs.1,22,85,000/-. The petitioners herein are working as staffs in various cadre. The first accused was arrested and remanded to judicial custody and Rs.65 lakhs was recovered from him and the remaining amount has to be recovered. The petitioners herein are also hand in glove with the other accused and misappropriated the amount. In view of the same, custodial interrogation of the petitioners is very much required in this case.

7. Hence the petition stands dismissed.

sd/-

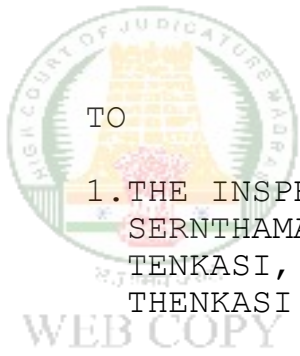
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL OP(MD).



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TO

1. THE INSPECTOR OF POLICE,
SERNTHAMARAM POLICE STATION
TENKASI,
THENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4303 of 2023

Date :06/03/2023

RK/SAR-3(10/03/2023) 3P/3C