



CRL OP(MD). No.17949 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17949 of 2023

1. James Selvakumar

2. Bernardshaw

... Petitioners/ Accused No.1 & 2

Vs

State Rep.by

The Inspector of Police,

Subramaniapuram Police Station,

Madurai City.

(Crime No.462 of 2023).

... Respondent/ Complainant

Arun Subash

... Petitioner/ Intervener/ Defacto Complainant

in CRL MP(MD).14653/2023 in CRL OP(MD).17949/2023

For Petitioners : M/s.Banumathy A, Advocate.

For Respondent : Mr.R.Suresh Kumar, Government Advocate (Crl.Side)

For Intervenor : M/s.S.Poornachandran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.462 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 406 of IPC in Crime No.462 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a Flex

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material whole sale company in the name of Arun Flex Distribution and he is a whole sale dealer. The wife of the defacto complainant is the owner of the company. The petitioners were working in the above said company from March 2022 to January 2023. In the meanwhile the petitioner are doing some fraudulent activities in the said companies 'Information Slip'. Hence the petitioners have stopped from working from the company. Under these circumstances a sum of Rs.9,80,000/- was debited from the bank account of the company and thereafter he came know that the petitioners have misappropriated the cheques which was already handed over by the defacto complainant, hence the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant is running Flex material company in the name of Arun Flex Distribution. The wife of the defacto complainant is the owner of the company and the petitioners are working in the said company from March 2022 to January 2023. Due to some strained relationship the petitioners were stopped from service and under these circumstances complaint has been given as though they have taken the cheque for a sum of Rs.9,80,000/-signed by the wife of the defacto complainant and the amoung has been debited from the bank account of the company by the petitioners by stealing the signed cheque of the defacto complainant and they have not committed any offence and due to vengeance a false case has been foisted against



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them, hence he seek anticipatory bail.

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4.The learned Government Advocate(Crl.Side) appearing for the respondent objected to grant anticipatory bail to the petitioners stating that the petitioners have used the cheque of the company and taken a sum of Rs.9,80,000/-

5.On perusal of the records it is noticed that the cheque signed by the wife of the defacto complainant for a sum of Rs.9,80,000/- was debited from the bank account of the company. The allegation is that the petitioners have taken the signed cheque from the company while leaving the office since they have been removed from service. They use the cheque to collect the amount. The account is not disputed and under this circumstance how the signed cheque of the defacto complainant came to their hands has to be verified and therefore custodial interrogation of the petitioners is very much required in this case. In view of the same this Court finds no grounds for granting anticipatory bail to the petitioners.

6. Hence the petition stands dismissed.

sd/-

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

AAV

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TO

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1 THE INSPECTOR OF POLICE, SUBRAMANIAPURAM POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.A.BANUMATHY, Advocate (SR-15546[I] dated 20/10/2023)

ORDER

IN

CRL OP(MD) No.17949 of 2023

Date :18/10/2023

RS/JGB/SAR-(26.10.2023) 4P 4C

Madurai Bench of Madras High Court is issuing
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