



CRL OP(MD).No.5680 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5680 of 2024

R.Pandikumar

... Petitioner/ Accused

Versus

1. The State,

Rep. by the Inspector of Police,
City Crime Branch Police Station,
Madurai District.

(Crime NO. 24 of 2023)

...Respondent/ Complainant

2. The Assistant Commissioner of Police,
Madurai.

....2nd Respondent

(R2 suo motu impleaded as per the order of this
Court dated 15.04.2024)

For Petitioner : Mr.K.Jeyamohan, Advocate

For Respondent : Mr.P.Kottaichamy

Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2023 on the file of the Respondent

Police.

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



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ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.24 of 2023, for the offence under Section 408 IPC, has filed this petition seeking anticipatory bail.

2. The defacto complainant is doing a business, dealing with marketing of tiles under the name and style of “Usha Marketing” in Thirupathur, Sivagangai District. The petitioner is an employee of the defacto complainant. The allegation levelled against the petitioner is that he has misappropriated the amount due to the company. The modus operandi as projected by the prosecution is that the petitioner, instead of creating account in the name of dealers, has created account in his name, though which, he has misappropriated the amount.

3. The learned counsel appearing for the petitioner submits that since the petitioner has started a new tiles company, the defacto complainant has foisted this complaint. He further submits that the petitioner has collected the amount in his personal accounts, only on the instruction of the defacto complainant, in order to evade the tax. He also claims that the petitioner received the amount in his personal accounts and immediately thereafter, he paid the amount to the company, for which, receipts are issued by the cashier of the company. He further submits that the



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petitioner is ready to produce the receipts for the same.

4. The learned Government Advocate (Crl. Side) has filed a report of the Investigating agency.

5. From the report, it reveals that for the period from 05.05.2021 to 25.04.2023, the petitioner/accused had received a sum of Rs.41,94,253/- in his personal Karur Vysya Bank account No.1225155000071013 of Tallakulam Branch and for the period from 03.05.2021 to 27.05.2023, through G.Pay, the petitioner/accused had received money of Rs.1,08,28,813/- in his personal SBI Bank account No.2001650119 of Tallakulam Branch.

6. Considering the nature of offence and also considering the report filed by the investigating agency as against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
10/06/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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OGY
TO

- 1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
- 2 THE ASSISTANT COMMISSIONER OF POLICE,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5680 of 2024
Date :10/06/2024

PKP/VR/SAR /05.07.2024/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified
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