



CRL OP(MD). No.10592 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 06/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.10592 of 2024

Nijil Premson

... Petitioner/Sole Accused

Vs

1.The Sub Inspector of Police,  
Thuckalay Police Station,  
Kanyakumari District.  
(Crime No. 431/2023.)

... Respondent/Complainant

2.S.Lazer

... Intervening Petitioner /  
Proposed Respondent /  
Defacto Complainant  
in CRL MP(MD) No.7325 of 2024

For Petitioner : M/s. Herold Singh.S.C, Advocate.

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

For Intervenor : Mr.R.P.Dilipan Pandian, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 431 of 2023 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 420 and 506 (I) I.P.C, in Crime No.431 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that when the petitioner was working during the period from 01.06.2022 to 30.06.2023, in the defacto complainant's petrol bunk, he swindled a sum of Rs.23,39,737.67, which is paid by the customers to the petrol bunk for providing service through Phone Pay and thereby, cheated him.

3. The learned counsel for the petitioner would submit that the petitioner has been duly accounting the cash as well as the bank collections every day and the same is verified. As a matter of fact, while shift changes in petrol bunk, at that time itself, the accounts are taken stock. The defacto complainant is making allegation as if in a period of one year, a sum of Rs. 23,39,727.67 has been misappropriated by the petitioner and the same cannot be true. The learned counsel would submit that as far as the bank accounts produced by the defacto complainant is concerned, these are his personal borrowers and he has been transacting with the said individuals and that has got nothing to do with the petrol bunk.

4. I have considered the said submissions made by the learned counsel on



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either side.

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5. The defacto Complainant has specifically produced bank account of the customers from where the amounts like Rs.2500/-, Rs.6,000/- etc., has been credited into the petitioner's account. It is very much the account number and the name of the petitioner is available in the statement itself. Therefore, prima facie I find that the allegation of the defacto complainant is that instead of placing the QR code of the company's account, the petitioner has placed the QR code of his own account.

6. In that view of the matter, when prima facie allegations are pointed out to the petitioner, I am of the view that this is not a fit case for grant of anticipatory bail. Accordingly, this Criminal Original Petition is dismissed.

sd/-  
06/08/2024

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/08/2024  
Sub-Assistant Registrar  
(C.S.I /II /III /IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

LS

To

1.The Sub Inspector of Police,  
Thuckalay Police Station,  
Kanyakumari District.



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2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate ( SR-9553[I] dated 07/08/2024 )

ORDER  
IN  
CRL OP(MD) No.10592 of 2024  
Date :06/08/2024

ED/ GS /SAR- (19/08/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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