



CRL OP(MD) No.12522 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.12522 of 2023

SIVAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH THANJAVUR DISTRICT.
IN CRIME NO.13 OF 2022.

... RESPONDENT/ COMPLAINANT

2 SENTHILKUMAR

... 2ND RESPONDENT

(R2 IS SUO-MOTU IMPEADED AS PER ORDER OF
THE COURT DATED 10/07/2023 IN CRL OP(MD)NO.12522 OF 2023)

For Petitioner : M/S.P.ATHIMOOLAPANDIAN,
Advocate

For Respondent 1 : MR.P.KOTTAICHAMY
Government Advocate (crl.side)

For Respondent 2 : Mr.A.SENTHILKUMAR,
Advocate

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



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PRAYER: - FOR ANTICIPATORY BAIL IN CRIME NO.13 OF 2022 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 and 506(i) IPC in Cr.No.13 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are partners and doing cashew nuts business. It is the allegation of the de-facto complainant that the petitioner has misappropriated a sum of Rs.3,10,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the de-facto complainant entered into a partnership agreement. He would further submit that it is the de-facto complainant, who had cheated the petitioner and not the petitioner. However, a complaint has been given as if the petitioner misappropriated the money and hence, prays for anticipatory bail.

4.The learned counsel for the de-facto complainant would submit that admittedly the petitioner and the de-facto complainant are partners. The petitioner



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clandestinely misappropriated Rs.3,10,00,000/-, thereby a complaint has been made to the respondent police on 17.05.2022. The earlier complaint made by the petitioner is a cooked up one, which was rejected by the respondent police and subsequently a private complaint has been filed by the petitioner, which was dismissed by the trial court. It is submitted that if the petitioner is enlarged on anticipatory bail, then, there is every possibility of tampering the witnesses and interfering with the investigation.

5. The learned Government Advocate (Crl. Side) would submit that the investigation is still pending.

6. Considering the facts and circumstances of the case and considering the amount involved, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

sd/-
03/01/2024

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/01/2024

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

RR



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TO
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1.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH THANJAVUR DISTRICT.

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

+1 CC to M/s.A.K.BASKARAPANDIYAN, Advocate (SR-10467[I] dated
11/07/2023)

ORDER
IN
CRL OP(MD) No.12522 of 2023
Date :03/01/2024

RK/DD (10/01/2024) 4P / 4C

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