



CRL OP(MD)No.12771 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 13/08/2024

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD)No.12771 of 2024

1.Jeyaram
2.Pasupathi

... Petitioners/ Accused No.5 & 6

Vs

The Inspector of Police,
Sernthamaram Police Station,
Tenkasi, Tekasi District
(Crime No.70 of 2021)

... Respondent/Complainant

For Petitioners : Mr.R.Mathava Selvam, Advocate
For Respondent : Mr.M.Sakthikumar,
Government Advocate (Criminal side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.70 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A5 and A6 apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 409 of IPC, in Crime

No.70 of 2021 on the file of the respondent police, seek anticipatory bail.

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



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2.The case of the prosecution as per the de-facto complainant is that the de-facto complainant is working as a Manager in Muthoot Finance Private Limited and he submitted that when the Accounting Team of the Company inspected the Branch and audited the accounts, they found that A1 to A6 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 is Rs.54,00,000/-. A1 utilized the said misappropriation amount for the benefit of his wife. Hence, the case.

3.Heard both sides.

4.Since the earlier application was dismissed on merits, the respondent police was directed to appear before this court as to why no steps have been taken to secure the petitioners herein. The respondent also present before this court and he was heard.

5.The learned counsel appearing for the petitioners would submit that subsequent development in this case has occurred in the form of filing the suit in OS No.92 of 2021 by the de-facto complainant before the Additional District and Sessions Judge (FTC), Tenkasi, to recover the amount involved in the subject complaint. He would further submit that along with the suit, the de-facto complainant filed IA No.1



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of 2021 seeking attachment of the property of the first accused for the subject
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complaint amount of Rs.67,00,000/-.

6.The copy of the petition and order is annexed with the typed set of papers. A copy of the plaint is also sent for from the concerned court. In the plaint, it has been stated that the petitioners are arrayed as defendants 5 and 6. The allegation against them is that they are also employees of the de-facto complainant company, mostly repeating the very same allegations made in the complaint. It is specifically admitted by the complainant in the plaint that the first accused and the 7th defendant namely Mari Selvi undertook to settle the entire issue.

7.Out of the amount involved in the complaint, part amount of Rs.42,86,110/- was returned by the first accused Mari Ganesan. For the remaining amount of Rs.63,75,578/- towards settlement, Mari Ganesan issued cheques, but on presentation for encashment those cheques were returned as dishonoured as Insufficient Funds. So, the complaint was given on 29/09/2020. Upon the direction issued by the Judicial Magistrate, Tenkasi, on 02/03/2021 the case was registered. To claim the above said balance amount of Rs.63,75,578/- that suit was filed. Even it was resisted by the first accused stating that he will not alienate the suit property, the trial court thought it fit to attach the property in view of the conduct of the accused. The order was passed on 30/08/2022.



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8. These petitioners are the employees of the company. Since already attachment order has been passed against the first accused and the suit is filed for realizing the amount, the petitioners would submit that they are ready to cooperate with the investigation and they have no role in the alleged misappropriation and forgery of the records, etc. These things cannot be taken into account at this stage. Whether any forgery is committed by these petitioners is a matter for investigation.

9. But however, considering the fact that the suit is filed for recovery of money and the attachment of the property was made, this court is inclined to grant anticipatory bail to the petitioners.

10. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Judicial Magistrate, Tenkasi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m for one month and cooperate with the investigation. During the course of investigation, if the Investigating Officer feels that custodial interrogation is required, he can move the concerned court for appropriate orders. This anticipatory bail will not affect the above said steps to be taken by the Investigating Officer and the order to be passed



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by the trial court on its own merit. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
13/08/2024

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

er
TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SERNTHAMARAM POLICE STATION, TENKASI,
TENKASI DISTRICT.

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

+1 CC to M/s.R.MATHAVA SELVAM, Advocate (SR-9892[I] dated 13/08/2024)

ORDER IN
CRL OP(MD) No.12771 of 2024
Date :13/08/2024

RS/VR/SAR-(27.08.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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