

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of November Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.6703 to 6705 & 6707 of 2020

in CRL MP Nos.6620, 6621, 6623 & 6625 of 2020

1 S.PRASANTH [PETITIONERS IN CRL OP 6703/2020
2 R.SURESH IN CRL MP 6620/2020]

1 S.DHIVAN [PETITIONERS IN CRL OP 6704/2020
2 E.SEKAR IN CRL MP 6623/2020]

1 M.MANIVANNAN [PETITIONERS IN CRL OP 6705/2020
2 M.MANIKANDAN IN CRL MP 6621/2020]

1 A.MANUVEL DEVAKUMAR [PETITIONERS IN CRL OP 6707/2020
2 S.PRAVEEN KUMAR IN CRL MP 6625/2020]
3 THANGARAJ

Vs

1 STATE REP BY [RESPONDENT IN ALL THE PETITIONS]
THE INSPECTOR OF POLICE,
EDF-TEAM XX, CCB-II,
VEPARY, CHENNAI.
CR. NO. 172 OF 2019.

For Petitioner : M/S.M.MURUGANANTHAM Advocate
(IN CRL OP 6703/2020 IN CRL MP 6620/2020)

For Petitioner : M/S.K.ELANGO VAN Advocate
(IN CRL OP 6704/2020 IN CRL MP 6623/2020)

For Petitioner : M/S.K.TAMILALAGAN Advocate
(IN CRL OP 6705/2020 IN CRL MP 6621/2020)

For Petitioner : M/S.T.ELUMALAI Advocate
(IN CRL OP 6707/2020 IN CRL MP 6625/2020)

For Respondent : PUBLIC PROSECUTOR (IN ALL THE PETITIONS)

FOR INTERVENER : B.MOHAN (IN ALL THE PETITIONS)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 408, 465, 477A, 420 r/w 34 of I.P.C. in CrI.OP.Nos.6703/2020 and 408, 465, 468, 477A, 420 r/w 34 of IPC in CrI.OP.Nos.6704, 6705 & 6707/2020, made in same Cr.No.172 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is the Administrative Manager of M/s.Bhavwar Sales Corporation which is a partnership firm and is the sole distributor of M/s.Procter & Gamble products across six districts, for this purpose the defacto complainant runs 14 branches in Tamilnadu, wherein these petitioners are working as employees in the cadre of computer operators and sales executives and they jointly conspired by creating documents and looted away an amount to the tune of Rs.12,88,00,000/-. Hence the complaint.

3.The learned Counsel for the petitioners submitted that this is the 2nd application, seeking anticipatory bail and the petitioners are in no way connected with the alleged offence as alleged by the prosecution. He further submitted that on the earlier occasion, first anticipatory bail application filed by the petitioners, were dismissed by a common order dated 29.01.2020, however, subsequently some of the persons, nearly 23 persons, whose were named in the FIR, were accommodated in the company of the defacto complainant by way of giving employment, which itself shows that the petitioners are innocent persons and, therefore they are entitled for grant of anticipatory bail. Accordingly he prays for grant of anticipatory bail to the petitioners.

4.Learned Public Prosecutor appearing for the State submitted that it is a case of misappropriation of funds to the tune of Rs.12 crores and 88 lakhs committed by the petitioners and further submitted that though earlier anticipatory bail applications were dismissed by this Court, the then Inspector has not taken any serious steps to complete the investigation in letter and spirit, however he is still investigating the matter in the proper manner and if the petitioners are enlarged on bail, it would affect the investigation progress and she further submitted that there is no change in circumstances. Hence, she opposed for grant of anticipatory bail to the petitioners.

5.Learned counsel appearing for the intervenor strongly denied the submission made by the learned counsel appearing for the petitioners and stated that the persons who were named in the FIR, have not been given any appointment in the company of the defacto complainant and he vehemently opposed for grant of anticipatory bail to the petitioners/accused.

6.Taking into consideration the allegations and the submissions made by the learned counsel on both sides and considering the amount involved in the said crime, and there being no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, these Criminal Original Petitions stand dismissed.

-sd/-
03/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
EDF-TEAM XX, CCB-II,
VEPARY, CHENNAI.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.M.MURUGANANTHAM Advocate on payment of necessary charges

CC to M/S.K.ELANGO VAN Advocate on payment of necessary charges

CC to M/S.K.TAMILALAGAN Advocate on payment of necessary charges

CC to M/S.T.ELUMALAI Advocate on payment of necessary charges

CC to M/S.B.MOHAN Advocate on payment of necessary charges

CRL OP.6703 to 6705 & 6707 / 2020
in CRL MP.6620,6621,6623&6625/2020

Date :03/11/2020

CS-MN-07/12/2020