



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.8600 of 2020 of 2020

WEB COPY

A.G.Sivanantham

... Petitioner

Vs.

The State represented by,

The Inspector of Police,

District Crime Branch,

Tiruvannamalai District.

Crime No.16 of 2019.

... Respondent

Common Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.16 of 2019 pending on the file of the Inspector of Police, District Crime Branch, Tiruvannamalai District or on their appearance before the Court.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

For Intervenor : Mr.C.Prakasam

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 & 420 of IPC, in Crime No.16 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per one Jayaram, the Regional Manager of the National Collateral Management Services Limited is that they have hired several godown at Arni and the accused Senthil, Palani, Sarasu, A.G.Sivanandham and Vinoth Kumar were in charge and responsible for the godown. The further allegation is that based on the stock available, the National Collateral Management Services Limited used to issue certificates to the owners of the property. Based on which, several banks have



issued loans to the agriculturists. Whiles, in the first godown of Kesavan, 3,000 paddy bags weighing 75 kgs. and in the second godown belonging to Kesavan, 3,220 bags of paddy weighing 75 kgs. were loaded. Based on which, Axis Bank had given loan and in K.R.Kanniappan's godown 3,220 bags of rice were available based on which, IDBI had given a loan. Whiles, on 21.07.2018, when the inspection was conducted, it was found 3,700 bags of paddy were found missing and further, it was found that the petitioner, who was the Collateral Manager and cluster head along with his colleagues had stealthily removed the goods from the godown and had given wrong accounts to the defacto complainant and thereby had caused loss to the tune of Rs. 3,82,96,000/- to the National Collateral Management Services Limited.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the case has been registered based on the Court's direction. He would submit that in a similar case in Crime No.13 of 2019, he has been granted bail by this Court with a condition to deposit amount. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is the incharge and responsible for the godowns of the defacto complainant, by colluding with his colleagues and the borrowers, have stealthily without the knowledge of the company removed 3,700 bags of paddy worth Rs.3,82,96,000/- and thereby, he had caused loss to the defacto complainant and also to the banks who have given loans to the agriculturalists based on the available stock. He would submit that the petitioner is the main accused in this case and the custodial interrogation is very much required and thereby he would submit that the bail has to be dismissed. He would further submit that apart from this case, the petitioner is also an accused in Crime No.9/2018, 15/2019 and 13/2019, wherein he had indulged in similiar fraudulent activities.

5. Mr.Prakasam, the learned counsel for the intervener would vehemently oppose stating that the petitioner was the Collateral Manager and incharge of the godowns in the area and he is incharge and responsible for the stock inside the godown. He is in collusion with the other staff and the borrowers had stealthily without the knowledge of the company, removed 3,700 paddy bags worth about Rs.3,82,96,000/- and thereby, caused loss to the company as well as caused loss to the reputation of the Company. He would submit that only based on the stock, several banks have given loans to the various persons. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



6. Taking into consideration the facts and submissions made by the learned counsels and the antecedents of the petitioner and that the amount involved is very huge, this Court is not inclined to grant anticipatory to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

19/08/2020

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 JUDICIAL MAGISTRATE NO.II,
THIRUVANNAMALAI, THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVANNAMALAI DISTRICT.

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

CRL OP.8600/2020

Date :19/08/2020

MK:09/09/2020