

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.16362 of 2020

and CRL.MP.No.6619 of 2020

Ganesh Kumar

... Petitioner

Vs.

State rep by:-

... Respondent

The Inspector of Police,
City Crime Branch (CCB),
Coimbatore District.
(Crime No.18 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.18 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

For Intervenor : M/s.Ganesh and Ganesh,

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.09.2020 for the offences punishable under Sections 120 (B), 408, 420, 477A and 506(ii) of IPC in Crime No.18 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant Anandkumar, HR Manager of KCP Engineering is that A1 and A3 were in-charge for purchasing the goods to the Company and that they have conspired with other accused as if they have delivered the goods to the *de facto* complainant's company and issued cheques and cheated the company to an amount of several crores of rupees. As far as the present petitioner is concerned, the amount transferred to his account is Rs.1,17,71,496/-.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the first accused had sent certain amounts to the Company and thereafter, the petitioner has transferred the amounts to the account of A1 and the balance amount has also been paid to A1.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner along with A1 and A2, who are the employees of the *de facto* complainant's company, entered into criminal conspiracy with other accused and without supplying the goods to the *de facto* complainant's company, fabricated the documents and thereby, amounts to the tune of several crores belonging to the company were cheated. He would submit that as far as this petitioner is concerned, an amount of Rs.1,17,71,496/- has been transferred to the account of the petitioner and thereafter, an amount of Rs.30,00,000/- has been transferred to the account of A1 and the balance amount of almost Rs.80,00,000/- is with the petitioner. He would submit that the investigation is still pending and there is no recovery so far.

5. The learned counsel for the intervenor would vehemently oppose the grant of bail to the petitioner stating that the petitioner, in collusion and conspiracy with A1 and A2, who are the employees of the *de facto* complainant's company, fabricated the documents as if the goods were delivered to the company and thereby, cheated the company. He would submit that as far as this petitioner is concerned, an amount of Rs.1,17,71,496/- has been transferred to his account. He would submit that the investigation is still pending.

6. Taking into consideration the facts and submissions made by the learned counsels and the fact that huge amounts have been misappropriated by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

-sd/-

09/11/2020

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 JUDICIAL MAGISTRATE VII,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH (CCB),
COIMBATORE DISTRICT.

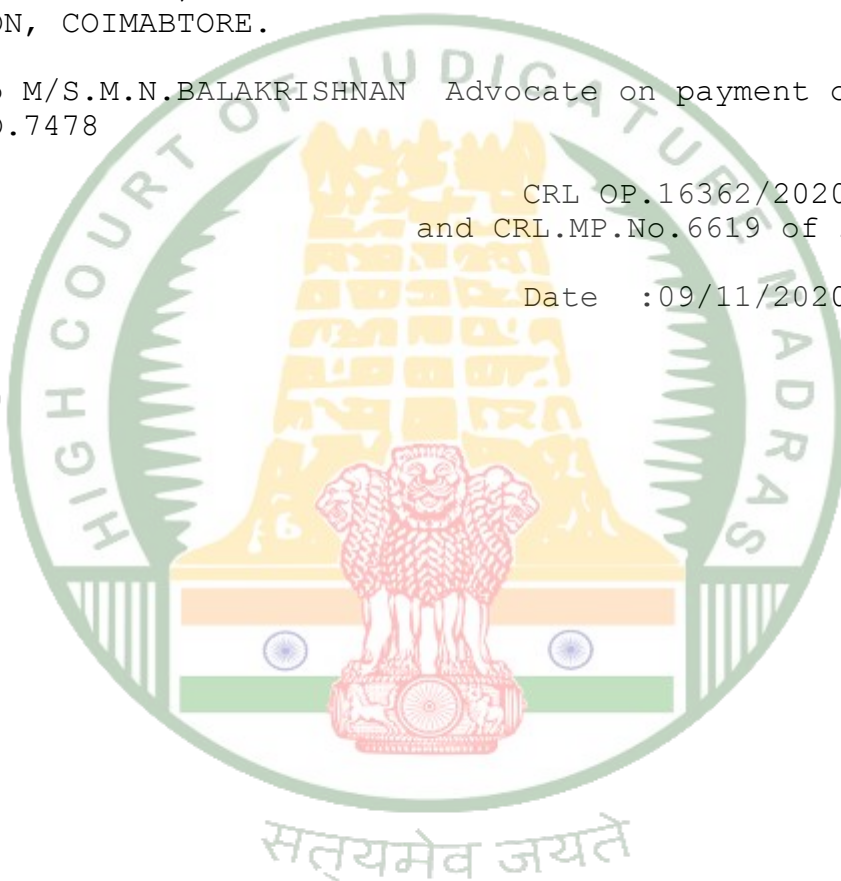
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO.7478

CRL OP.16362/2020
and CRL.MP.No.6619 of 2020

Date :09/11/2020

TA-19/11/2020



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