

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.35031, 35034, 35012 & 35008 of 2019

1 M.MANIVANNAN [PETITIONERS / ACCUSED
2 M.MANIKANDAN IN CRL.OP.NO.35031/2019]

1 A.MANUVEL DEVAKUMAR [PETITIONERS / ACCUSED
2 S.PRAVEEN KUMAR IN CRL.OP.NO.35034/2019]
3 THANGARAJ

1 S.DHIVAN [PETITIONERS / ACCUSED
2 E.SEKAR IN CRL.OP.NO.35012/2019]

1 S.PRASANTH [PETITIONERS / ACCUSED
2 R.SURESH IN CRL.OP.NO.35008/2019]

Vs

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

For Petitioner : MR.R.THIRUMOORTHY Advocate for
M/S.K.TAMILALAGAN Advocate
[IN CRL.OP.NO.35031/2019]

For Petitioner : MR.R.THIRUMOORTHY Advocate for
M/S.T.ELUMALAI Advocate
[IN CRL.OP.NO.35034/2019]

For Petitioner : MR.R.THIRUMOOTHY Advocate for
M/S.K.ELANGO VAN Advocate
[IN CRL.OP.NO.35012/2019]

For Petitioner : M/S.M.MURUGANANTHAM Advocate
[IN CRL.OP.NO.35008/2019]

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR
[IN ALL THE PETITIONS]

<https://hcservices.ecourts.gov.in/hcservices/>
For Intervener : M/S.B.MOHAN Advocate [IN ALL THE PETITIONS]
[CRL.MP.NOS.1146, 1150, 1147 & 1144/2020]

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 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 406 and 420 of I.P.C. in CrI.OP.Nos.35031, 35034 & 35012 of 2019 and 406, 420 464, 466 & 467 of IPC in CrI.OP.No.35008 of 2019, 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 petitioners are employees of a company and allegedly misappropriated the huge funds of the company. Hence the complaint.

3.The learned Additional Public Prosecutor stated that it is the case of misappropriation of funds to the tune of Rs.12 crores and 88 lakhs committed by the petitioners. In CrI.OP. 35008/2019 the petitioners are arrayed as A24 and A23 and in CrI.OP. 35031/2019 the petitioners are arrayed as A20 and A7 and in CrI.OP.35012/2019 the petitioners are arrayed as A1 and A2 and in CrI.OP.35034/2019 the petitioners are arrayed as A6, A3 and A4 respectively. He would further submit 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 to the tune of amount Rs.12,88,00,000/-. He would further submit that the responsibility of each petitioner namely S.Dhivan/A1 sales executive, looted away Rs.4,30,000/- and one Sekar/A2, sales executive, responsibility of Rs.2,97,00,000/- then one Praveen Kumar/A3, sales executive, responsibility of Rs.1,07,00,000/- then one Thangaraj/A4, sales executive is responsibility of Rs.79,00,000/- and one A.Manuvel Devakuar/A6 is responsibility of Rs.54,00,000/- and one M.Manivannan/A20 is responsibility of Rs. 1,84,000/- and one Suresh/A23 is no monetary benefits and Manikandan/A7 is responsibility of Rs.53,09,000/- and S.Prasanth/ A23 and R.Suresh/A24 are computer operators. Therefore, the learned Addl.Public Prosecutor would submit that since the petitioners have committed the offence of misappropriation to the tune of crore of rupees, they are not entitled to the bail.

4.The learned counsel appearing for the intervenor would submit that 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. They are engaged in each of the places to manage company's orders and the product orders will be placed in various stores. Every sales executive will be given the order, 20 routes will be designated and sales executives used to go to the route, he is responsible for collection of next day of delivery. He will collect the sales details next time when he goes and collects the details and generates

his report. Based on the generation of the report, after sale is done, again the report was being hacked by the computer operators in the system and thereby all the petitioners jointly conspired and committed misappropriation of amount for the tune of Rs.12,88,00,000/-. Hence he prays for dismissal of these application.

4.Mr.M.Muruganantham, learned counsel appearing for the petitioners in Crl.OP.No.35008 of 2019, would submit that the petitioners are mere computer operators working in the company and they are not handling any money transactions. As regards issue of tax evasion, the dispute is between the higher officials but the owners of the company have falsely roped in the petitioners into the alleged crime and therefore, the petitioner became as scape goats. Hence he prays for grant of bail.

5.Mr.R.Thirumoorthy, for the petitioners would submit that the petitioners are the sale executives and they were working on monthly salary basis and allegedly misappropriated some money from the company. Admittedly, the computer operators did the mistake and if the record of Stock Register will be produced, they can prove their innocence and it is the dispute between the higher officials and owners, the petitioners are falsely roped in as scape goats. Hence he prays for grant of bail.

6.Taking into consideration the allegations and the submissions made by the learned counsel on both sides and considered the amount involved in the said crime, hence this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, these Criminal Original Petitions are dismissed.

-sd/-

29/01/2020

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

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सत्यमेव जयते

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.

+1 CC to M/S.M.MURUGANANTHAM Advocate on payment of necessary charges SR.No.1761

CRL OP.Nos.35031, 35034, 35012 & 35008/2019

<https://hcservices.ecourts.gov.in/hcservices/>

Date :29/01/2020

cs 06/02/2020