

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NOS.6617, 6619 & 6624 OF 2020

1 KESAVAN [PETITIONERS / ACCUSED
2 DHINESH KUMAR IN CRL.OP.NO.6617 OF 2020]
3 THANGARAJ

SARASU [PETITIONER / ACCUSED
IN CRL.OP.NO.6619 OF 2020]

SENTHIL @ SENTHILKUMAR [PETITIONER / ACCUSED
IN CRL.OP.NO.6624 OF 2020]

Vs

STATE REP BY, [RESPONDENT
INSPECTOR OF POLICE, IN ALL THE PETITIONS]
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI DISTRICT.
CRIME NO. 16 OF 2019.

For Petitioner : M/S. R.BALAKRISHNAN Advocate
[IN ALL THE PETITIONS]

For Respondent : THE PUBLIC PROSECUTOR
[IN ALL THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 406 and 420 of IPC in Crime No.16 of 2019 on the file of the respondent police, seek anticipatory bail.

2. This is the third anticipatory bail application before this Court for the petitioner in Crl.O.P.No.6619 of 2020. This is the second anticipatory bail application before this Court for the petitioners in Crl.O.P.Nos.6617 and 6624 of 2020.

3. The case of the prosecution is that the defacto complainant is the Regional Manager of National Collateral Management Services Ltd. A1 to A9 received a stock loan from AXIS Bank, Arni Branch pledging 5,190 paddy and rice bags. On 16.02.2018, only 1045 rice bags were available in the godown and the other paddy and rice bags went missing from the godown. Hence, the complaint was registered.

4. The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant has already sent a legal notice to the petitioners on 10.04.2019 under Section 138 of Negotiable Instruments Act and filed a petition before the Judicial Magistrate No.IV, Vellore and the same is pending in C.C.No.345 of 2019. Hence, he sought for anticipatory bail to the petitioners.

5. The learned Counsel for the intervenor/defacto complainant submitted that the petitioners have obtained a loan by way of pledging 21,750 numbers of rice and paddy bags with TMB, AXIS Bank and IDBI Bank. He further submits that the company officials inspected the said godown periodically. In this connection the banks entrusted the collateral management work to the complainant's company and for that purpose the complainant's company appointed many collateral managers for the godown where the rice and paddy bags were kept. The Complainant's company employees looked over the security work. While being so, on 07.02.2018, when the inspection was made, it was found that 17,105 bags were found stolen with the help of the petitioners. Further, waste paddy husk bags and other material bags were kept in the place of rice and paddy bags. The above action resulted in the act of cheating the banks and the defacto complainant's company to the tune of Rs.3.74 Crores. Hence, the learned counsel for the intervenor vehemently opposed for the grant of anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl.Side) submitted that there are totally nine accused and the petitioners are arrayed as A1, A2, A3, A5 and A6. A1 to A6 obtained loan by pledging rice and paddy bags. A7 to A9 are employees under the defacto complainant. The petitioners herein colluded with other accused persons and stole the rice and paddy bags kept in the godown and cheated the bank and defacto complainant. It is submitted that investigation is still under way and, hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

7. This Court on earlier occasion dismissed the anticipatory bail applications of the petitioners in Crl.O.P.Nos.29501, 29509 and 34879 of 2020 and Crl.O.P.No.19875 of 2019.

8. It is seen that the petitioners with the help of employees of the defacto complainant, looted 17,105 nos. of rice and paddy bags and cheated the bank and the defacto complainant to the tune of Rs.3.74 crores. It is evident from the submission that investigation is still underway and not yet completed and, therefore, enlarging the petitioners on anticipatory bail at this point of time would hamper the investigation. Further, no change in circumstance has been brought to the notice of this Court to consider the anticipatory bail petitions of the petitioners affirmatively.

9. For the reasons aforesaid, this Court is not inclined to grant anticipatory bail to the petitioners Accordingly, these Criminal Original Petitions are dismissed.

-sd/-
28/04/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI DISTRICT.

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

CRL.OP.NOS.6617, 6619 & 6624 of 2020

Date :28/04/2021

MK:01/07/2021

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