

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.6621 & 6625 OF 2020

MOHANRAJ

[PETITIONER / ACCUSED
IN CRL.OP.NO.6621 OF 2020]

PRABHU

[PETITIONER / ACCUSED
IN CRL.OP.NO.6625 OF 2020]

Vs

STATE REPRESENTED BY [RESPONDENT
INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.
CRIME NO.15 OF 2019

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

For Respondent : THE PUBLIC PROSECUTOR
[IN BOTH 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, 420 of IPC in Crime No.15 of 2019 on the file of the respondent police, seek anticipatory bail.

2. While this is the third anticipatory bail application before this Court for the petitioner in Crl.O.P.No.6621 of 2020, insofar as the petitioner in Crl.O.P.No.6625 of 2020, this is the second anticipatory bail application.

3. The case of the prosecution is that the defacto complainant is the Regional Manager of National Collateral Management Services Ltd. The accused 1 to 4 received a stock loan from the IDBI Bank, State Bank of India, K.V.B. Bank and AXIS Bank, all the banks pertaining to Arni Branch for 35,515 paddy and rice bags. On 07.02.2018, only 22,827 kgs of paddy and rice bags were in the godown and the other 16,928 kgs of paddy and rice bags went missing from the godown. Hence, the complaint has been registered as against the petitioners and 10 others.

4. The learned counsel for the petitioners submit that the petitioners are poor agriculturists and by pledging the paddy and rice bags, they borrowed loan from IDBI Bank and they have not committed any offence as alleged by the prosecution. Hence, he sought for anticipatory bail to the petitioners.

5. The learned Counsel for the intervenor/defacto complainant submitted that the petitioners had obtained stock loan by way of pledging 39,755 bags of rice and paddy with KVB Vysya Bank, IDBI, State Bank of India and Axis Bank. In this connection, the banks entrusted the collateral management work to the defacto complainant's company and for that purpose the complainant's company appointed so many collateral managers for the godowns where the goods were kept. Further the complainant's employees looked over the security work and the petitioners were appointed as collateral manager to look over the godowns and the complainant's company officials inspected the said godown periodically. While so, on 07.02.2018, during inspection, it was found that 16,928 bags were stolen with the help of the complainant's company employees. 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.2.12 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 twelve accused and the petitioners are arrayed as A2 and A7. A1 to A4 pledged the rice and paddy and obtained stock loan. A5 to A12 are the employees under the defacto complainant's company. The petitioners herein colluded with other accused persons and stole the rice and paddy bags kept in the godown and cheated the 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 in Crl.O.P.Nos.19858, 29976 and 30206 of 2019.

8. It is seen that the petitioners with the help of other employees of the defacto complainant, looted the rice bags and cheated the defacto complainant. 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 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL.OP.NO.6621 & 6625 OF 2020

Date :28/04/2021

MK:01/07/2021

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