IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.23255 of 2021

M.MASILAMANI [PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
GUINDY,
CHENNAI-600 032.
(CRIME NO. 24 OF 2021

For Petitioner : M/S.K.SUKUMARAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN Additional Public Prosecutor

For Intervenor : MR.M.V.DINAKAR Advocate for
M/S.SIVANANDH & ASSOCIATES

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 408, 420 r/w 120 B of IPC in Cr.No.24 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that one Sateesh Kumar as head of Coal, South & East India and Masilamani/petitioner as Lead operations pet Coke & Minerals worked in the defacto complainant's Company. During the month of November 2019, the company has imported 59,164.10 MT of Coal from Indonesia. The main work of the petitioner is to conclude the sales, deliver the order to the agent and collect advance money from the buyers in accordance with company procedure. At that time, work was halted due to the Covid - 19. Thereafter, the petitioner reported to the head of the company that 7715 MT Coal was available in the port. After verification, the head of the company found that coal was illegally dispatched to unauthorised customers without due intimation to the company that worth about nearly a sum of Rs. 3 Crores which was despatched to the GPR Resources Pvt Ltd and Indian Coal Company and the above said companies have failed to repay the same. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that he has not committed any offence as alleged by the prosecution and took charge as logistics and operation head. In the month of October and November, he has supplied a quantity of about 3600 Mts on the same lines left by Mr.Sateeshkumar, thinking that such supply of materials on credit basis might have been approved by the board. On and after October 2020 till November 2020, the petitioner was dealing with the consignment of coal to the said company. Between July and November 2020, a total quantity oof 18464.540 Mts of coal were consigned from the company to the said M/s.Visaken Impex. Hence prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the petitioner being an employee of the defacto complainant's company, have given false report to the company stating that the stock was available at Tuticorin Port, as part of the coal imported through MV Beufort vessel. Thereafter, the company came to know that stock that worth about 2.19 Crores was sold to accused/A3 and A4. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervener submitted that the corporate office decided to sell the coal inventory, lying at Tuticorin Port, call for the stock statements from A1 and A2, and in reply to that on 02.12.2020, the petitioner herein and A1 Satheesh Kumar had given a false and fabricated stock report stating that arount 7715 MT Coal quantity was available at Tuticorin Port, as part of the coal imported through MV Beufort vessel. In fact there was no such coal was available at Tuticorin Port and both A1 and A2 in the FIR had fabricated such stock report to suppress the misappropriation of the same committed by them. When the company country head on physical verification and further on verification of the records with the handling agent at Tuticorin found that no physical stock was available in Tuticorin Port. On subsequent verification of the records, it was reveal that, the coal in question was dishonestly and fraudulently misappropriated by A1 Satheesh Kumar and petitioner/A2. He further submitted that there is no invoice and delivery challan for the transaction made by the petitioner. Hence, he vehemently opposed for grant of

6. Considering the allegation levelled against the petitioner that he has given false information to the company and sold the goods that worth about 2.19 Crores to A3 and A4. In such circumstances, this

Court needs a detailed investigation and is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition seeking anticipatory bail is dismissed.

-sd/-
22/12/2021

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,
ECONOMIC OFFENCES WING,
GUINDY, CHENNAI-600 032.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.SIVANANDH & ASSOCIATES Advocate on payment of necessary charges SR.NO.15494

CRL OP.23255/2021

Date :22/12/2021

INBA–05/01/2022