Crl.O.P.No.16286 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 09.06.2022 for the offences punishable under Sections 34, 120B, 408 & 420 of IPC in Crime No.02 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that *de-facto* complainant/WABCO India Limited, is having more than 6000 employees and in which the petitioner is a Senior Executive HR. He joined in the service on 11.05.2016 and till his dismissal from his service, he committed the offence that the Company is having its own PF Fund scheme named "Wabco India Provident Fund Scheme" for the easy access of PF fund to the employees. When the petitioner was in service, the petitioner along with other accused had transferred the PF amount of nearly 126 employees and trainees by creating forged accounts in the name of factitious persons and transferred the amount to the close relatives and friends. He also forged the account naming those in the name of Ghost Trainees, by collecting the drop out employees personal data for the use of PF amount and final settlement. Thereby, the petitioner misappropriated to the tune of Rs.6,96,00,000/- from 721 staff account of the Company. During the

management control review held in October 2020, this misappropriation was found. For which, they engaged a detective agency named Nishith Desai Associates and also found out the forgery committed by the petitioner that he had transferred the amount to 5 various accounts and having 26 accounts of friends and family members. Four accounts related to A4. The *de-facto* complainant also filed a suit for recovery of money as against the accused A4 and also they are about to file a suit for the recovery of money from the accused persons.

3. The learned counsel appearing for the petitioner submitted that in the First Information Report, the occurrence of the offence is mentioned as 2013 to 2020, whereas the petitioner joined in the service in the year 2016 and he has nothing to do with the crime committed by other accused. He further submitted that there are many other accused persons having specific overt act against them and even the respondent police had failed to register a case against them. Previously, the Company has filed a civil suit as against A4 for recovery of money and it is pending. It shows that complainant is maintaining double standard which is against the process of natural justice and whereas, the complaint is lodged as against the petitioner and he was remanded to judicial custody.

4. It is seen that, no amount has been recovered so far from the petitioner and the petitioner is the master brain behind the entire crime, since he worked as Senior Executive HR and misappropriated to the tune of Rs.6,96,00,000/-. Therefore, if the petitioner is let out on bail, he would tamper the witnesses and hamper the evidence. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

13.07.2022

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