



CRL.O.P.No.5211 of 2023

CRL.O.P.No.5211 of 2023

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offence under Section 420, 403, 408 and 477A of IPC in Crime No.705 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant as a Managing Director was running a Company called Team Core Management Company Limited, Erode and the said firm was engaged the business of Human Resource Service namely recruitment and support services for private limited companies. In such business deal one Quilon Transport Company located at Perundurai, which is in the business of logistics between tanker lorry owners and good suppliers used to avail the services of the lorries in facilitating their Trade. Team Core Company used to render its Human resource services to Quilon Transport Company. The first petitioner/A1 was sent Quilon Transport as Manager on 10.10.2018 and the second petitioner was working as Assistant Manager from 07.03.2018. Both A1 and A2 were engaged in the business of hiring tanker lorries from the



owners. Since only these two persons were handling the arrangement of renting lorries from the owners, they had been handling all the rental income viz-a-viz the accounts about the amount to be collected from the lorry hirer and the amount to be paid from the owners. In other words the lorry owners and the hirers never had any direct connect with each other. In such a situation, A1 and A2 had though collected the rental income from the hirers they had not remitted it to the lorry owners. On complaints be made by lorry owners that rental income is due, the defacto complainant enquired and found out that these two persons have been swindling the rental income and had been depositing/receiving money from the hirers on various account, which where opened by them. They have also forged Registration Certificates in various numbers showing as if there are lorries operating with such numbers and had also mishandled those rental incomes. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that A1 and A2 had joined Quilon Transport from 10.10.2018 and 07.03.2018 respectively. They used to arrange tanker lorries for the companies/individuals who required the same supply of goods. Since there



was no direct contact between the lorry owners and those persons who want the lorry services on higher the petitioners used to act as middle man and arrange for the lorries. During the year 2020 when the pandemic struck Quilon Transport Company transferred these petitioners to Team Core Management without their consent. The petitioners resigned from the services of Quilon Transport on mutually accepted reasons in the month of July 2022 and subsequently, these petitioners started the new partnership firm in the name of "National Road Ways" obtained Registration Certificate on 19.08.2022. Since these petitioners had an extensive knowledge in the business, the new company is moving in a fast phase and hence, for competitive reason the present complaint is lodged and that these two petitioners have not indulged in any act as alleged by the prosecution.

4. The learned counsel for the Intervenor/Defacto complainant would submit that the bank statements shows that various amounts were transferred by these petitioners to the account of their relatives and those amounts belongs to the account of the company. He further submitted that the petitioners were dismissed from service and they had not either resigned or the resignation was not accepted by the Team Core Company. He would



CRL.O.P.No.5211 of 2023

further submit that the petitioners owe a sum of Rs.35,00,000/- to the defacto complainant the entire business of the defacto complainant is in stake. He further submitted that the petitioners have in fact opened some paper companies and thus, involved the fraudulent activity of opening bank accounts in the company's name and operating and one such company is Azad Tanker Company.

5.The learned Government Advocate (Crl.Side) would submit that this is in fact an white collar crime and that the petitioners are involved fraudulent activity for a long time and had cheated the defacto complainant to huge some of money. He would also submit that A1 has been arrested and remanded to judicial custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking note of the facts and circumstances, an investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three lakh only) to the credit of Crime No.705 of 2022, within a period of two weeks from the date on which



CRL.O.P.No.5211 of 2023

the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Perundurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties (out of which one blood related surety) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[c] the petitioner shall appear before the respondent police on every Monday and Wednesday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

T.V.THAMILSELVI, J.



CRL.O.P.No.5211 of 2023

rri

WEB COPY

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.04.2023

rri

CRL.O.P.No.5211 of 2023