



WEB COPY

Crl.O.P.No.19354 of 2023



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C.V.KARTHIKEYAN, J.

The petitioners, who are A1 to A5 in Crime No.101 of 2023 seek anticipatory bail registered by the respondent police for the offences punishable under Sections 406, 409, 465, 466, 467, 471 & 420 of IPC.

2. It is the case of the prosecution that the 1st petitioner had joined the defacto complainant Company namely GG Organics Pvt. Ltd., as a Godown Consultant and was in charge of the godown of the said Company. It is stated that over a period of time, he had secreted away the chemicals of the Company, which had been stocked in the godown and sold it to the black market and profited to an extent of Rs.1,77,62,788/-.

3. It is also stated and as seen from the status report filed by the respondent that the petitioner had also transferred substantial sums to the accounts of the other accused.



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4. On the side of the 1st respondent, the learned Government Advocate (Crl.Side) stated that investigation will have to be done and for that purpose custodial interrogation is required.

5. The learned counsel for the petitioner however stated that the 1st petitioner had joined the said Company as a Business Consultant and he was never in charge of either the godown or of the stocks. It had been stated that he was trusted by the Managing Director. That according to him, the Managing Director had given unaccounted money for safe keeping and accordingly, he had transferred the same to the accounts of the other petitioners, who are his own family members.

6. It is also contended that he had similarly transferred money to various other friends of the Managing Director but nowhere in the petition or anywhere in the complaint he had given names and addresses of such friends. Therefore, it does not make that particular statement of the petitioners, believable. It is also stated that liquid cash had also been



given for the purpose of ongoing constructions at Vaniyambadi, Ooty, Puducherry and Chennai.

7. It is therefore contended that the petitioners have acted as bonafide in the interest of the Managing Director. The Managing Director is also represented and entered appearance and filed an intervening application.

8. The learned counsel for the defacto complainant has contested the case of the petitioner herein and stated that trust had been placed on the petitioner as Manager of the said Company and over a period of time, it was found that he had secreted away the stocks of the Company and sold it to the black market to an extent of Rs.1,77,62,788/-.

9. The learned Government Advocate (Crl. Side) for the respondent stated that a part of investigation had been completed and the respondent had examined the accounts of the Company and had to a large extent, come to a definite conclusion that there has actually been



misappropriation of not only stocks but also sales of such stocks by the 1st petitioner herein.

10. In view of all these facts, since investigation will necessarily have to be done with respect to flow of money from the Company to the 1st petitioner and from the 1st petitioner to the accounts of the other accused and recovery will also have to be done and the *modus operandi* will also have to be detected as to how the 1st petitioner had accessed to the godown and in what manner he was able to secret away the stocks in the godown and to whom he had sold it in the black market, I hold that this is not a fit case for anticipatory bail.

11. It is also stated that pending the petition, the 1st petitioner had been taken into custody and remanded to judicial custody. Hence, anticipatory bail sought by the 1st petitioner stands dismissed on that particular ground.



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12. In so far as the other petitioners are concerned, since there is evidence that they have benefited by transfer of money to their accounts and they have never raised any protest but rather they had taken decision to enjoy the same, anticipatory bail sought by them also stand dismissed as against petitioners 2 to 5.

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