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Crl.O.P.No.21847 of 2023

Crl.O.P.No.21847 of 2023
and
Crl.M.P.No.18217 of 2023
C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Sections 408, 420, 465, 468 and 471 IPC in Crime No.208 of 2023 seeks anticipatory bail.

2.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated for the offences under Sections 408, 420, 465, 468 and 471 IPC in Crime No.208 of 2023. Thus, he seeks anticipatory bail to the petitioner.

3.The contention of the learned counsel for the petitioner is that the petitioner had earlier filed a anticipatory bail petition in Crl.O.P.No.10125 of 2023 and it is stated that earlier a learned Single Judge of this Court by an order dated 16.08.2023 closed the anticipatory bail petition and directed the petitioner to appear before the respondent and also directed the defacto complainant to produce the particular purchase order.



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4.It is stated that thereafter, the petitioner had filed this present petition once again.

5.The learned counsel for the petitioner stated that again notices were issued under Section 41A Cr.P.C and that the petitioner had appeared and he had denied the allegations and had demanded records relating to the business transaction from the defacto complainant. It is also stated that the defacto complainant was not prepared to show the necessary records.

6.The learned counsel for the petitioner stated that the petitioner had resigned at January 2023 itself and therefore, was not responsible for any of the allegations against him.

7.It is the case of the prosecution that the petitioner, was working with the defacto complainant between March 2022-2023 and had submitted fake and forged invoices, as if the goods were requested by various clients and as if the goods were supplied. But actually, there were no supply. In this manner it is alleged he had misappropriated a sum of Rs.62,20,781/-.



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8.The learned counsel for the defacto complainant states that, this is a clear case of forgery of documents/invoices by the petitioner herein. The Court had granted an opportunity to the petitioner herein to appear before the respondent and disclose the facts to his knowledge. If he is demanding various documents from the defacto complainant, it would be at trial and not investigation to the offence is being taken place. The petitioner should realize that he is accused of charges. He should explain the nature of allegations. He should also explain as to whether the invoices as stated by the defacto complainant are forged or fake and should explain the nature of the transactions alleged against him.

9.In view of the fact, the respondent have also filed a status report alleging total non-cooperation by the petitioner herein, taking all the facts into consideration, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

28.11.2023

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