



Crl.O.P.No.21250 of 2023

Orders Reserved on
19.09.2023

Orders Pronounced on
25.09.2023

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RMT. TEEKAA RAMAN.,J.

The petitioners/accused who is arrayed as A.3 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 420, 409 and 477A of IPC registered in Cr.No.142 of 2023 on the basis of complaint lodged by Rajendran, Asst. General Manager, Human Resource Development in SKM Animal Feeds & Foods (India) Pvt. Ltd., seeks anticipatory bail.

2 (i). The informant is working in SKM Animal Feeds and Foods (India) Private Limited which deals with the manufacturing and distribution of animal feeds to different states. The case of prosecution is that on 14.06.2023, during internal audit in respect of stocks, it was found that huge sum of animal fees were missing and it is further alleged that the petitioner who is working as a data entry operator in Transport Department of the company is alleged to have shared his "user name & password" to one Jibu and Prince who were arrayed as A.1 & A.2. It is further alleged that A.1 &



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A.2 who were said to have been worked in Invoice Billing till the year 2020 are well acquaintance with the ERP billing software had generated invoices and thereafter deleted the entry from digital accounts and illegally sold the animal feeds for their personal gain for a tune of Rs.1,23,00,000/-.

2(ii) The further case of the prosecution is that on 17.06.202, A.1 & A.2 used the "user name and password" of one Yuvaraj for generating bills and transport approval, tried to loot 376 bags of chicken feed, each bag weighing 50 kgs. with the help of A.5/Siva Ganesh who is a lorry driver in the company and was caught red handed through CCTV footage. It is further alleged that on verifying the computer records and accounts, the informant company shocked to know that a sum of Rs.1,23,00,000/- worth of animal feeds have been stolen by the accused persons. Hence, the present complaint had been lodged by the informant.

3. The learned counsel for the petitioner would contend that the petitioner is no way connected with the alleged passing of "user name and password" for generating the bills and for transport approval for alleged 376 bags of chicken feeds, each bag weighing 50 kgs. A.4 /Siva Ganesh is the



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lorry driver of the company who was caught red handed through CCTC on 17.06.2023.

4. The learned Government Advocate (crl.side) would submit that on 17.06.2023, A.4 was caught red handed based upon the CCTV footage and on the internal audit, it was found that the "user name & password" of the petitioner Seenivasan @ Srinivasan was passed on to A.1 & A.2 (ex-employees of SKM Animal Feeds and Foods (India) Private Limited and using the same, they indulged in manipulating and generating EPR billing software invoice and thereafter deleted the entry from the digital account, thereby illegally sold the animal feeds to a tune of Rs.1,23,00,000/-.

5. After hearing the submissions of the rival parties and also the contents of the FIR, it is yet another case of cyber manipulation. The informant company has knowledge of "ERP technology for generating the invoice for delivering the animal feeds through their vehicle. A.1 & A.2 who were ex-employees of billing invoice section left the job in the year 2020 and opened a furnisher shop nearby the company. Thereafter, in active connivance of A.3, the petitioner herein used to manipulate the ERP software



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and generate billing invoice for taking the stock out of the company.

Thereafter, A.4 will deliver the goods outside the company. One such incident has been caught in the CCTV footage on 16.06.2023 while A.4 is said to have taken the animal feeds in vehicle bearing Regn.No.TN33 AH 4159 and handed over the same to A.2 who was drawing petrol in the nearby petrol bunk which was recorded in the CCTV footage. After verification, the lorry number has been tampered, name of the driver has been tampered from the "user name & password" of Yuvaraj and accordingly, by active connivance of one of the employee in the billing invoice section, using the ERP billing software, they have generated GST e-way bill by getting into the "user name and password" of the present employee and thereby they have taken the goods outside the camp of the informant and caused damage to the extent of Rs.1,23,00,000/-. CCTV footage and the electronic gadgets are yet to be screened for finalising the amount.

6. Taking into consideration the nature and gravity of the offence, modus operandi adopted by all the accused in this case and the quantum of theft by tampering the "user name and password" of the working employee and also the stage of investigation, I am not inclined to grant anticipatory bail



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to the petitioner for the present, with a liberty to file fresh application after passage of time or change in circumstances.

7. Accordingly, this Criminal Original Petition is dismissed.

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order in
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