CRL.O.P.No.30550 of 2022

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offence under Section 420, 403, 408 and 477A of IPC in Cr.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 farm 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 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. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Heard both sides.

7. As per the FIR the allegations are that the petitioners used to collect the amount which belongs to the defacto complainant they used to swindle those amounts. Since huge sums of money were due to the lorry owners, various complaints were received by the defacto complainant and on enquiry the defacto complainant came to know that approximately a sum of

Rs.35,00,000/- had been transferred to various account numbers which are those relatives of the petitioners herein. In support of the submissions so made the counsel for the intervenor had produced the bank statement showing the transfers made to the relatives of these petitioners, this shows that detailed investigation is very much required in the case on hand.

8.Considering the fact that investigation is yet to be completed, this Court is not inclined to grant Anticipatory bail to the petitioners.

9. Accordingly, this Criminal Original Petition is dismissed.

04.01.2023

vsn

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