Crl.O.P.No.2938 of 2024
and
Crl.M.P.No.3145 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/A1 and A2 seeks bail in Crime No.55 of 2023 registered by the respondent police for the offences punishable under Sections 120 (B), 204,408,409,420 and 109 of I.P.C .

2. The petitioners were arrested and remanded to judicial custody on 21.11.2023**.** The petitioners are spouses. The first accused was working as sales manager in the defacto complainant. It is the specific case of the defacto complainant that as sales manager, the first petitioner was responsible for promoting sales and receiving the consideration towards the sales made by the defacto complainant. It is stated that the first accused had extended substantial discounts to the purchasers and had transferred the difference amount into her own bank account. It is the specific allegation that the purchasers had paid bribe to the first petitioner herein. Statement of accounts of the first petitioner reveals that there are considerable credits in her accounts. It is also stated one of the accused had been granted anticipatory bail.

3. The learned counsel for the intervenor stated that there are material suppression of facts while obtaining anticipatory bail. It is stated that there had been a property dispute between the first petitioner herein and the defacto complainant

and that the purchasers are also accused in this case. It is stated that the purchasers are actually advanced bribe money to the first petitioner herein in order to show the difference amount as sales and the first petitioner had in this manner, profited more than one crore and the total loss to the defacto complainant is more than 3 crores.

4. The learned counsel for the petitioner disputed the statement of accounts produced and stated that the first petitioner had arranged loan from Repco Bank and in order to obtain the loan amount he was obligated ought to have enhanced balance amount due to which he had received considerable amounts from Karpaga Vinayaga Company and not for any other purposes. It is stated that the credits have been given only for the purchases and the sales are independent transactions.

5. But a counter has been filed on behalf of the respondent, wherein it is stated that the petitioners had been responsible for causing loss to the monetary loss to the defacto complainant between April 2021 and September 2022. It had been stated that the total loss amount is 3,,49,75,534,85/-. This Court expresses dismay on the counter filed by the respondent as the material facts had not been stated in the counter. Let the investigation proceed further and if there is further progress then the application seeking bail can be considered.

6. At this stage I am not inclined to grant bail to the petitioner, this Criminal Original petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

21.02.2024

smn

C.V.KARTHIKEYAN, J.

smn

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