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Crl.O.P.No.15891 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL OP NO. 15891 of 2025

P.Mugundan

... Petitioner/A6

Vs

The State Rep.by,
The Inspector of Police,
CCB EDF-1, Avadi Police Station,
Avadi Police Commissionerate,
Avadi – 600 057.

Crime No.4 of 2022

... Respondent(s)

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.4 of 2022 on the file of
the respondent Police.

For Petitioner(s) : Mr.Rajendran Raghavan

For Respondent(s): Mr.V.J.Priyadarsana
Government Advocate (crl.side)



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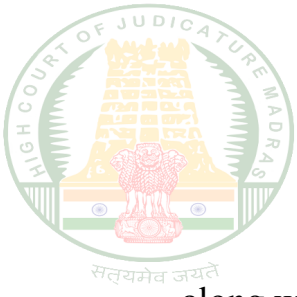
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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.04.2025 for the alleged offences punishable under Sections 317(3), 317(1), 316, 334, 316(2) and 351(2) of BNS, 2023, in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A2 and her husband/A1 approached the de-facto complainant stating that A1 is running a company in the name of VK Associates and providing service of GST & Tax filing for private limited companies in entire state of Tamil Nadu. The de-facto complainant, who is running M/s Sri Marg Human Resources Private Limited engaged A1, the petitioner and the other accused persons for filing GST bills to his company. The husband of the A1 used the de-facto complainant's account number, digital signature and password, while he was not in station and transferred a sum of Rs.65,15,000/- to the account of the petitioner from 01.04.209 to 31.03.2021.

3. It is the further case of the prosecution that in the year 2020, A1



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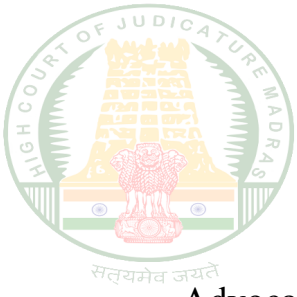
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along with A3 to A5 and the petitioner/A6 advised the defacto complainant to send money for 20 companies, in order to reduce GST bills. Believing the words and having faith on the accused persons, the de-facto complainant had paid an amount of Rs.10,4,79,626/- . However, A1 and her husband have jointly misappropriated the said amount by evading payment of GST tax to the government. Hence the complaint.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he was arrested on 07.04.2025. He further submitted that the petitioner's name was included only for astrology purpose and he is no way connected with the crime committed by the other accused and hence, he prayed to grant bail to the petitioner, taking into account the incarceration suffered by the petitioner.

5. The learned Government Advocate(Crl.Side) appearing for the respondent reiterated the case of the prosecution and strongly opposed to grant bail to the petitioner.

6. Heard the learned counsel for the petitioner, learned Government



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Advocate (Crl.Side) appearing for the respondent and the learned counsel for the intervenor.

7. The petitioner was arrested on 07.04.2025 and he is still in incarceration. The petitioner along with A1 and other accused had indulged in misappropriation of funds by evading payment of GST Tax to the government to the tune of Rs.10,64,79,626 with fabricated bills and vouchers. Considering the facts and circumstances of the case, the gravity of offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

22.05.2025

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To

1.The Inspector of Police,
CCB EDF-1, Avadi Police Station,
Avadi Police Commissionerate,
Avadi – 600 057.

2.Central Prison – II, Puzhal, Chennai.

3.Judicial Magistrate No.I, Poonamallee.

4.The Public Prosecutor,
High Court, Madras.



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N.SENTHILKUMAR, J.

This petition has been listed today under the caption "For Being Mentioned" at the request of the learned counsel appearing for the petitioner.

2. It is brought to the knowledge by the learned Additional Public Prosecutor (Criminal Side) appearing for the respondent as well as the learned counsel appearing for the petitioner that the transferred amount to the account of the petitioner and period mentioned in the order dated 22.05.2025 in paragraph 2 shall be replaced as "***to the account of A-1 and A-2 from 01.04.2019 to 31.03.2020***" instead of "to the account of the petitioner from 01.04.209 to 31.03.2021" and in paragraph 3, it is stated as "Rs.10,4,79,626/-", the actual amount shall be replaced as "***Rs.10,64,79,626/-***" and in paragraph 4, it is stated as "for astrology purpose" may be redrafted as "***without any substance or materials***".

3. Heard both sides and perused the original order.



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4. Registry is directed to substitute the following in paragraphs 2, 3

and 4 instead of the earlier one.

"2. The case of the prosecution is that A2 and her husband/A1 approached the de-facto complainant stating that A1 is running a company in the name of VK Associates and providing service of GST & Tax filing for private limited companies in entire state of Tamil Nadu. The de-facto complainant, who is running M/s Sri Marg Human Resources Private Limited engaged A1, the petitioner and the other accused persons for filing GST bills to his company. The husband of the A1 used the de-facto complainant's account number, digital signature and password, while he was not in station and transferred a sum of Rs.65,15,000/- to the account of A-1 and A-2 from 01.04.2019 to 31.03.2020."

3. It is the further case of the prosecution that in the year 2020, A1 along with A3 to A5 and the petitioner/A6 advised the defacto complainant to send money for 20 companies, in order to reduce GST bills. Believing the words and having faith on the accused persons, the de-facto complainant had paid an amount of Rs.10,64,79,626/-. However, A1 and her husband have jointly misappropriated the said amount by evading payment of GST tax to the government. Hence the complaint.

4. The learned counsel for the petitioner submitted that the



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petitioner is innocent and he was arrested on 07.04.2025. He further submitted that the petitioner's name was included without any substance or materials and he is no way connected with the crime committed by the other accused and hence, he prayed to grant bail to the petitioner, taking into account the incarceration suffered by the petitioner."

5. Registry is directed to incorporate the above in the order and issue a fresh copy to all concerned.

13.06.2025

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Note to office: Registry is directed to upload the order by Today



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