IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.02.2026**

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THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.35432 of 2025
and CRL MP NO.368 of 2026

S. Saravanan ... Petitioner/ Accused

Vs

The State Rep. By,
The Inspector of Police,
O/o Beta-6, EDF-III,
Central Crime Branch,
Greater Chennai Police,
Vepery, Chennai – 600007.
(Crime No.224 of 2025) ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent in Crime No.224 of 2025 on the file of the respondent police.

For Petitioner : Mr. Ramesh, Senior Advocate
For Mr. R. Ashwin

For Intervenor : Mr. N. Jothi, Senior Advocate
For Mr. D. Senthil Kumar

For Respondent : M/s. J.R. Archana
Government Advocate (Crl.Side)

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 420, 477-A and 506(i) of IPC, 1860 (u/s. 316, 318, 344, and 351 of BNS) in Crime No.224 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner herein served as Chief Operating Officer (COO) of the defacto complainant's company namely M/s. Aditya Infrastructure Pvt. Ltd from April 2022 till August 2025; that the petitioner was entrusted with the management and financial affairs of the company; that by taking advantage of his official position, he had made false account entries, inflated salary payments, false invoices and manipulated financial documents, thereby involved in misappropriation of company's fund; that while the petitioner being in full-time employment with the defacto complainant's company, he also established and operated multiple business through his wife and friends by diverting the funds and resources of the defacto complainant's company as if they are clients of the defacto complainant's company by way of fictitious invoices at inflated rates, material wastages, thereby the petitioner had committed breach of trust and misappropriated the defacto complainant's company fund to the extent of Rs.15 Crores in Tamil Nadu project; that the petitioner also

involved in similar offence in the Bangalore project of the said company for which, a separate complaint has also been lodged and investigation of that case is going on. Hence, this case.

3. Mr. Ramesh, the learned Senior Counsel appearing for the petitioner submitted that the alleged transactions were taken place between April 2022 to August 2025 and the petitioner is not the Chief Operating Officer of the defacto complainant's company, he had rendered only professional service and at the time of engaging him, it was agreed that he would be paid Rs.3 lakhs per month and also 2% commission on the profit earned out of the project value or 5% for private projects and 3% in case of Government projects carried out by the said company, whichever is higher. However, the company has failed to make the outstanding dues and profit sharing, hence the petitioner has demanded the company to settle the outstanding dues to the extent of Rs.2.60 Crores payable to him and also issued notice dated 27.09.2025 and the same was replied by the company, vide notice dated 21.10.2025. He also submitted that only for the purpose to avoid payment to the petitioner herein, a false accusation has been made by the defacto complainant, as if he had involved in misappropriation of company's funds by means of falsification of invoices and other means. He also stated that the defacto complainant's company has also lodged a complaint before the Vishwanthapura Police Station, Karnataka, for which

the petitioner has also appeared and explained the due facts before the said police station and after conducting thorough enquiry, the petitioner was allowed to leave; that in order to further harass the petitioner herein, the present complaint has been lodged with ulterior motive. He has also relied on several correspondence made between the parties and submitted that the petitioner has provided professional service to the said company, hence he is entitled for profit sharing. He also produced the bank statement stating that the petitioner has been regularly paid a sum of Rs.3,00,000/- towards professional charge; that in order to evade the payment dues to the petitioner herein, a false complaint has been lodged against the petitioner herein; and that the petitioner is ready to abide by any condition that may be imposed by this Court, hence prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor appearing on behalf of the defacto complainant's company raised strong objection to grant of anticipatory bail to the petitioner by stating that, the petitioner herein was engaged as Chief Operating Officer of his company from April 2022 till August 2025 and he was given specific responsibility for the projects being carried out by the Management and also the financial affairs of the company, hence the petitioner herein is not an independent consultant; that by taking advantage of his official position in the company, he colluded

with other accused, generated inflated invoices, non-existence purchase and fake wastage records, etc. Though in the FIR, it has been stated that the money swindled by the petitioner is about Rs.15 Crores, the same is increased to many fold, after subsequent auditing of the documents, bills, etc. He further submitted that the petitioner has not even handed over the company's laptop for the purpose of verification of records and he is not co-operating for conducting investigation for the various false entries and fake bills. He also submitted that the complaint lodged at Bangalore is for the company project being carried out in Bangalore and there is no suppression of complaints lodged in Bangalore and the present case is related to the company project carried out in Chennai. He also stated that the allegation of mis-appropriation was unearthed prior to lodging complaint at Bangalore and knowing fully well that the the company is about to initiate legal proceedings against the petitioner, he had immediately sent a legal notice in the month of September 2025, as if there is profit sharing agreement between the petitioner and the company. The petitioner has never been paid with the profits; that only to divert the issue, the said notice was issued by the petitioner herein. He has also produced various categories of documents to show that the petitioner had misused his position and fiduciary trust by diverting company funds to entities closely connected to him, including two other companies run by the petitioner's wife namely Suhasini and by one Maheswari, who was appointed as Human Resources

Manager in the defacto complainant's company, who was appointed by the petitioner himself.

5. The learned counsel for the intervenor further produced various communications made by the petitioner herein claiming himself as the Chief Operating Officer of the defacto complainant's company and those communications are related to purchase orders, payments to be made, bills to be cleared etc.; that the statement of other staff, who had worked under the petitioner herein in the defacto complainant's company have categorically stated that this petitioner asked them to issue payments for the purpose of urgent payment to various persons towards payment of salaries and the same were transacted to his bank account and requested adjustment and approval of the same. He further submitted that the petitioner had also made payment to the proxy customers, as if they have supplied certain goods; that there are several whatsapp communications with regard to the payments made on the advice of the petitioner herein, which clearly reveals that the petitioner is entrusted with the financial affairs of the company, that thereby misappropriated the company's fund.

6. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the anticipatory bail to the petitioner reiterated the prosecution case and submitted that the statement recorded

from other senior staff of the company reveals that, the petitioner herein was in-charge of the entire project work including managing the funds of the company; that the petitioner had involved in diverting funds to various persons including the salary at inflated rates and it is also revealed that the petitioner is the one, who is benefited of the above transactions; and that the investigation of this case is pending.

7. I have considered the submissions made on both sides and perused the materials available on record, including the detailed typed set of papers and also legal notices exchanged between the parties.

8. Though the legal notice was issued as early as in the month of September 2025, the whatsapp chats taken place between the petitioner and the Management shows that, the Management has continuously demanded the petitioner to return the laptop and car of the company as early as in the month of August 2025 and the petitioner has not return back the same. Instead, after waiting nearly for one month, the petitioner has issued legal notice, as if there was a non-settlement of his profit share as agreed between the parties, however no documents in this regard has been produced by the petitioner before this Court. Further, the whatsapp chats also shows that from the month of August itself, the petitioner herein had avoided to participate in the regular activities of the company. It is also the specific

allegation made against the petitioner herein is that, the petitioner had diverted the company's funds to various other companies, which includes entities run by the petitioner's wife namely Suhasini and other associates; that further the funds were also diverted to a company named Euro Designs, which stands in the name of one Maheswari, who was earlier appointed as Human Resource Manager in the defacto complainant's company by the petitioner herein.

9. Considering the above facts, the fact that various allegations of transfer of money, falsification of accounts and siphoning of money has been reported and the documents produced before this Court also shows that the petitioner has worked as Chief Operating Officer in the defacto complainant's company, the fact that huge money has been misappropriated in this case, I am of the view that custodial interrogation of the petitioner is very much necessary and if he is enlarged on anticipatory bail, there is possibility of tampering the evidence and hampering the investigation process, hence this Court is not inclined to grant anticipatory bail to the petitioner.

10. Accordingly, this criminal original petition stands dismissed. Consequently, connected criminal miscellaneous petition stands ordered.

11.02.2026

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To

1. The Inspector of Police,
   Economic Offence Wing Police Station,
   Thiruvallur District.
   (Crime No.3 of 2025)

2. The Public Prosecutor,
   High Court of Madras.

<u>K. RAJASEKAR, J.</u>

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