IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8459 of 2022

ESWARAMOORTHY [PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUPPUR DISTRICT.
(CRIME NO.4 OF 2022)

For Petitioner : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : M/S.G.V.KASTHURI Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein, who was arrested on 04.03.2022 for the alleged offences punishable under Sections 120(B), 409 and 420 of IPC, in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2. As per the First Information Report, the petitioner and others in connivance, somebody have placed orders with the de facto complainant for supply of yarn promising them that they will pay the money within 45 days. All the 10 companies were floated for the purpose of cheating the de facto complainant after the supply of yarn to the tune of Rs.2,90,28,420/-. These 10 companies had paid less than 50% value of the goods supplied even after lapse of 45 days and having converted the garments to be sold to the third parties. On enquiry, except 2 companies, the other 8 companies are closed and they are not running. This petitioner is concerned, he is the owner of M/s.Priyanka knit Fabs, who has purchased the yarn for Rs.56,21,000/-, but he has paid Rs.7 lakhs and remaining around 49 lakhs is due and payable.

3. The learned Additional Public Prosecutor for the respondent states that the investigation is under way. Neither the goods nor the money could be recovered from the petitioner herein.

4. From the material placed, this Court finds that the de facto complainant was made to believe that by name Mani that the 10 companies are actively engaged in manufacturing the garments make the de facto complainant to supply goods worth Rs.2,90,28,420/-. However, it is now found that they have not paid the money, diverted the goods and sold it to the third parties. This transaction has taken place between April 2019 to July 2019. Out of total supply of Rs,3,55,13,580/- for all these 10 fake companies only a sum of Rs.65,00,000/- so far been paid by them.

5. Taking note of the fact that it is not the case of simple trade transaction, where the buyer has failed to repay the money. It appears to be a conspiracy to keep the petitioner to supply yarn and credit to fake companies and to make unlawful gain over it. The investigation is still under way and some of the accused are to be secured.

6.Considering the said fact, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
12/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUPPUR DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.8459/2022

Date :12/04/2022

CSK 20/04/2022