



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.11059, 11386 & 11621 of 2022

NADARAJ [PETITIONER / ACCUSED
IN CRL.O.P.No.11059/2022]

PARAMASIVAM [PETITIONER / ACCUSED
IN CRL.O.P.No.11386/2022]

ESWARAMOORTHY [PETITIONER / ACCUSED
IN CRL.O.P.No.11621/2022]

Vs

THE STATE OF TAMILNADU, [RESPONDENT / COMPLAINANT
REP BY THE INSPECTOR OF POLICE, IN CRL.O.P.Nos.11059 & 11621/2022]
CCB POLICE STATION,
TIRUPPUR CITY.
CRIME NO.4 OF 2022

THE STATE OF TAMILNADU, [RESPONDENT / COMPLAINANT
REP BY THE SUB INSPECTOR OF POLICE, IN CRL.O.P.No.11386/2022]
CCB POLICE STATION,
TIRUPPUR CITY.
CRIME NO.4 OF 2022

For Petitioner : M/S.V.KARTHIKEYAN, Advocate
[IN CRL.O.P.No.11059/2022]

M/S.R.BASKAR, Advocate
[IN CRL.O.P.No.11386/2022]

M/S.M.N.BALAKRISHNAN Advocate
[IN CRL.O.P.No.11621/2022]

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)
[IN ALL THE PETITIONS]



PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

WEB COPY
The petitioners in CrI.O.P.Nos.11059 and 11621 of 2022 who have been arrayed as A6 and A2 respectively were arrested and remanded to judicial custody on 04.03.2022 and the petitioner in CrI.O.P.No.11386 of 2022 who has been arrayed as A5 was arrested and remanded to the judicial custody on 11.03.2022 for the alleged offence under Sections 120(b), 409 and 420 IPC in Crime No.4 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the de facto complainant is running M.P.M. Textiles and A1 had introduced the other accused persons and the de facto complainant had supplied yarn to the accused persons totally to the tune of Rs.3.55 Crores. Further case of the prosecution is that the accused persons, after having received the goods failed to make the payment and thereby, had cheated the de facto complainant. Out of the total amount of Rs.3.55 crores, only a sum of Rs.64.85 Lakhs was settled and the balance amount of Rs.2.90 crores is yet to be settled by the accused persons. There are totally 11 accused persons in this case and the petitioners are A2, A5 and A6 respectively.

3. The learned Government Advocate (CrI. Side) submitted that out of 11 accused persons, only 4 accused persons were arrested and remanded to the judicial custody and all the other accused persons are absconding. The learned Government Advocate (CrI. Side) further submitted that there was a clear conspiracy between the accused persons and as a result of the same, the de facto complainant has been cheated to the tune of Rs.2.90 crores. The learned Government Advocate (CrI. Side) therefore, submitted that the petitioners do not deserve any leniency and therefore, the bail petitions are liable to be dismissed.

4. Per contra, the learned counsel for the petitioners submitted that the entire transaction between the petitioners and the de facto complainant was civil in nature and at the best the allegations made by the de facto complainant will only result in breach of contract and by most strange, it can be taken to be a case of breach of trust and cheating. The learned counsel for the petitioners further submitted that the petitioners have already suffered sufficient incarceration and no useful purpose would be served by keeping the petitioners behind bars and rather the petitioners will co-operate for the investigation and comply with any conditions imposed by this Court.

5. This Court carefully considered the submissions made on either side and materials available on record.



6. In the present case, the petitioner in Crl.O.P.No.11059 of 2022 is said to have taken the goods to the tune of Rs.18.61 Lakhs from the de facto complainant and had settled only a sum of Rs.1 Lakh. Insofar as the petitioner in Crl.O.P.No.11621 of 2022 is concerned, he had taken the goods to the tune of Rs.52.2 Lakhs from the de facto complainant and had settled only a sum of Rs.7.29 Lakhs. Similarly, the petitioner in Crl.O.P.No.11386 of 2022 is said to have taken the goods from the de facto complainant to the tune of Rs.49.68 Lakhs and only settled a sum of Rs.24 Lakhs. It is a case involving a business transaction between the de facto complainant and the petitioners wherein the goods were supplied by the de facto complainant and the petitioners are said to have not settled the entire amount to the de facto complainant towards the goods supplied to them. It was further brought to the notice of this Court that A1 has already been enlarged on bail by the Court.

7. The earlier bail petitions that were filed by the petitioners in Crl.O.P.Nos.11621 and 11386 of 2022 were dismissed as withdrawn and the bail petitions were not considered on merits.

8. Considering the nature of the transaction between the parties, no useful purpose will be served in keeping the petitioners behind bars. This Court is inclined to enlarge the petitioners on bail by imposing certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on their executing a bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tirupur and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every Monday at 10.30 a.m. for a period of four weeks and thereafter, as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/05/2022

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 JUDICIAL MAGISTRATE,
NO.II, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CCB POLICE STATION,
TIRUPPUR CITY.

4 THE SUB INSPECTOR OF POLICE,
CCB POLICE STATION,
TIRUPPUR CITY.

5 THE OFFICER INCHARGE
DISTRICT PRISON, TIRUPPUR

6 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE



7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.BASKAR, Advocate on payment of necessary charges
SR.NO.7260

+1 CC to M/S.M.N.BALAKRISHNAN, Advocate on payment of necessary
charges SR.NO.7192

CRL OPs.11059, 11386 & 11621 of 2022

Date :18/05/2022

JPA 18/05/2022