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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.14468 of 2022

and CRL.MP.NO.8216 of 2022

M.Ramamoorthy

..Petitioner

Vs.

State rep by
The Inspector of Police,
District Crime Branch,
Tirrupur District.

..Respondent

M/S.ASIAN FABRICX PRIVATE LIMITED,
REPRESENTED BY ITS CHAIRMAN
R.VENKATACHALAM

[PETITIONER/INTERVENER/
DEFACTO COMPLAINANT]

(ORDERED AS PER ORDER OF THIS COURT DATED 27.06.2022 MADE IN
CRL.MP.NO.8216/2022 IN CRL.O.P.No.14468/2022)

PRAYER:Criminal Original Petition is filed under Section 439 of
Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1 of
2022 pending in the file of the District Crime Branch, Tirrupur
District.

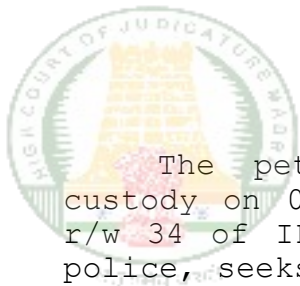
For Petitioner : Mr.S.V.Pravin Rathinam

For Respondent : M/S.A.DAMODARAN,
Additional Public Prosecutor
(Crl.O.P.No.14468/2022)

For Respondent : M/S.V.J.PRIYADARSANA,
Govt. Advocate (Crl. Side)
(Crl.M.P.No.8427/2022 in Crl.O.P.No.14468/2022)

For Intervener : Mr.K.Suresh

ORDER



The petitioner, who was arrested and remanded to judicial custody on 03.06.2022 for the offence punishable under Sections 409 r/w 34 of IPC in Crime No.1 of 2022 on the file of the respondent police, seeks bail.

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2. It is the case of the prosecution that the defacto complainant supplied yarn to the tune of Rs.1,21,66,000/- for job work. On receipt of the same, the accused has to convert the same into fabric and return back to the defacto complainant. On receipt of the yarn to the said tune, the petitioner failed to complete the job and failed to return the same. According to the petitioner, the petitioner is engaged in the business of procuring yarn from various customers and convert the said procured yarn into fine fabric. While being so, one M/s Sangeetha Mills at Palladam is under the business of yarn and it has been engaged by the defacto complainant M/s Asian Fabrics Private Limited company for the procurement of yarn. For the the past several years, the petitioner is doing the business with the said mills. Now, the defacto complainant alleged that on receipt of yarn to the tune of Rs.1,21,66,000/-, the petitioner failed to convert into fine fabric and failed to supply the same. Therefore, admittedly, there was business transaction between them for the past several years.

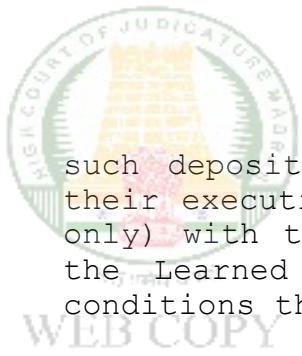
3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 03.06.2022. He would further submit he is ready and willing to deposit some title documents for a reasonable value as imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned counsel for the Intervener/ defacto complainant submitted that the petitioner himself admitted that Rs.89,00,000/- of fabric is missing as on 27.10.2021. Even thereafter, the defacto complainant supplied yarn for job work.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner failed to convert the yarn into fine fabric thereby caused loss to the defacto complainant. Hence, he vehemently opposed to grant bail to the petitioner.

6. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 03.06.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is directed to deposit original title deeds (stand in the name of the petitioner or in name of his friends or relatives) to the worth of Rs.1 Crore along with the valuation certificate obtained from the authority concerned and on



such deposit, the petitioner is ordered to be released on bail on their executing a bond 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, Tiruppur**, 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 petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 4 weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/06/2022

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.

[*] Amended as per order of this Court dated 30/06/2022 made in Cr1.M.P.No.8427/2022 Cr1.O.P.NO.14468/2022.

TO

**(*) THE JUDICIAL MAGISTRATE,
NO.II, TIRUPPUR.**



2 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUPPUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.S.V.PRAVIN RATHINAM Advocate on payment of
necessary charges SR.NO.10385

CRL OP.14468/2022

and

CRL.MP.NO.8216 of 2022

Date :27/06/2022

RW-27/06/2022

TA-30/06/2022