



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14451 of 2022

and CRL.MP.NO.8221 of 2022

S.SANKAR GANESH

[PETITIONER / ACCUSED]

Vs

INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUPUR DISTRICT.
CRIME N.01 OF 2022

[RESPONDENT]

M/S.ASIAN FABRICKX 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.8221/2022 IN CRL.O.P.No.14451/2022)

For Petitioner : M/S.S.V.PRAVIN RATHINAM Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor
(Crl.O.P.No.14451/2022)

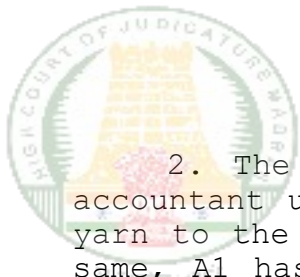
For Respondent : M/S.V.J.PRIYADARSANA, Govt. Advocate (Crl. Side)
(Crl.M.P.No.8432/2022 in Crl.O.P.No.14451/2022)

For Intervener : M/S.K.SURESH, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 409 r/w
34 of IPC, in Crime No.01 of 2022, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner is the accountant under the company of A1. The defacto complainant supplied yarn to the tune of Rs.1,21,66,000/- for job work. On receipt of the same, A1 has to convert the same into fabric and return back to the defacto complainant. On receipt of the yarn to the said tune, A1 failed to complete the job and failed to return the same. Hence, the complaint.

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. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the Intervener/ defacto complainant submitted that A1 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 vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, No.II, Tiruppur**, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 four weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 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 Crl.M.P.No.8432/2022 Crl.O.P.NO.14451/2022.

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.

+ CC to M/S.S.V.PRAVIN RATHINAM Advocate on payment of necessary charges SR.NO.10386

CRL OP.14451/2022
and CRL.MP.NO.8221 of 2022

Date :27/06/2022

RW-27/06/2022

TA-30/06/2022