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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

RESERVED ON : 05.07.2022
PRONOUNCED ON: 08.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10838 of 2022

Priya Loganathan @ Shenbaga Priya

... Petitioner/Accused No.3

Vs

1. State represented by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.1166 of 2021)

... Respondent/Complainant

2. M/s. Loyal Textile Mills Ltd.,
Rep. By its Assistant Manager Accounts,
Mr.G.Subramanian

... Petitioner/Intervener/
Defacto Complainant
in Crl.MP(MD) No.7093/2022

For Petitioner : Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

For Intervenor : Mr.M.E.Ilango, Advocate.

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.1166 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 120(b),
465, 468, 409 and 420 IPC, in Crime No.1166 of 2021, seeks
anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



2.The case of the prosecution is that the defacto comp. 's company is engaged in the manufacture of yarn, woven and knitted fabrics as well as garments, that the first accused was the Vice President (Marketing) of the defacto complainant's factory, that the second accused is the Chief Executive Officer of M/s.Cottex Collections, a buying house based in Tirupur and his wife Mrs.Priya Loganathan/petitioner herein is the co-ordinating person of M/s.Cottex Collections, that the first accused taking advantage of the authority given to him for selling the garments had joined hands with the accused 2 and 3 and conspired to deceive the defacto complainant's company with full knowledge that there was no genuine goods sale, had brought into an Export order from one M/s.Virtual Apparels, USA, and for supply of 60,000 pieces of T-shirts and 16,200 pieces of Tank tops totally worth USD 148,050/-, that all the three accused had fixed the payment terms as "TT against shipping Documents / DP at sight and the price was to be based on FOB Tuticorin and that the freight to be collected from the buyer", that the accused had also fixed a commission at 14.62% on the FOB value of the goods shipped, that all the accused insisted the defacto complainant to pay a sum of Rs.12,10,000/- towards commission in advance under the pretext that it would help the counterpart of the accused 2 and 3 in USA to use it for paying the ocean freight, that all of them have promised that the buyer would arrange the payment for goods immediately as soon as the freight charges were paid, that the defacto complainant's company later came to know that the buyer is not a genuine party and the order in their name is a bogus one with intent to defraud the company, that all the accused did not divulge any details about the so called buyer, Virtual Apparels and its owner Mr.Jerry till date, that the Senior Executives of the defacto complainant's company had met all the accused at Tirupur and asked them to make a firm commitment for the payment, that though they had already made alternate arrangements to sell the goods through their associate in USA, there was no progress at all and that the defacto complainant came to know that all the accused misappropriated the sale amount with commission and other charges to the tune of Rs.1,46,23,400/- and thereby caused wrongful loss to the company.

3.The petitioner's case is that the petitioner is innocent and that she has not committed any offence as alleged by the prosecution and she has been falsely implicated in the above case.

4.The learned counsel for the petitioner would submit that the petitioner's earlier application for anticipatory bail in Crl.O.P. (MD)No.21094 of 2021 was dismissed as withdrawn by order dated 11.04.2022, that nearly four months have been lapsed and more witnesses have been examined and investigation would have been completed by this time, that since the case on hand is relating to documentary evidence, custodial interrogation of the petitioner is not necessary, that the petitioner has not forged the Export order



complainant and that due to COVID-19 restrictions and ill-1 on the part of the buyer, consignment could not be received on time.

5.The learned counsel for the petitioner would further submit that the accused 1 and 2 were already arrested and released on bail by the Principal Sessions Court, Thoothukudi, in Cr.M.P.No.59 of 2022 dated 10.01.2022 and by the learned Judicial Magistrate in Cr.M.P.No.51 of 2022 dated 12.01.2022.

6.The learned counsel for the intervenor/defacto complainant would submit that the accused had not disclosed the details of the buyer to the defacto complainant's company till now and all the accused have connived together and induced the defacto complainant's company to deliver the goods, that the defacto complainant's company has incurred continuing demurrage charges and so far incurred \$ 35,000 (approximately Rs.26,05,750/-) and that the defacto complainant's company has sustained wrongful loss of Rs.1,46,23,400/- and the accused has obtained wrongful gain of the said amount.

7.The learned Additional Public Prosecutor would submit that no amount has been recovered and the goods were still lying in USA and that all the accused had cheated the defacto complainant's company to the tune of more than Rs.1,46,23,400/-.

8.Considering the above facts and circumstances of the case and also the seriousness and gravity of the offence alleged against the petitioner and taking note of the quantum of amount involved and also the fact that that investigation is pending as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

9.In the result, this Criminal Original Petition is dismissed.

sd/-

08/07/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE SUB INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10838 of 2022

Date :08/07/2022

csm

USK/PN/SAR-III/12.07.2022/4P/3C