



Crl.O.P.No.6216 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 469, 471 and 482 of IPC in Crime No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mohankumar Managing Director, Susil Palm Products is that, from 2009 the defacto complainant was running partnership firm in the name and style of “M/s. Susil Palm Products and doing the business of selling grated coconuts, the petitioner has worked a sales agent with the defacto complainant. The further allegation is that the accused by fabrication the invoices and bills had misused the trade name of the defacto complainant and had sold his own products under such trade name in Jammu and Kashmir and thus caused loss to the tune of Rs.8 crores. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to business rivalry a false complaint has been given against him. He would further submit that the petitioner was initially an agent to the defacto complainant but later the business relationship between them had strained and thereafter the petitioner himself had sold grated coconut to the purchaser in Jammu and Kashmir. Other than that, the petitioner has not committed any offence. It is not the case where the petitioner had purchased the goods from the defacto complainant and sold it to the market and thus cheated the defacto complainant. He further submits that the defacto complainant had also made allegations as to fabrication of invoices. He would further submit that the case has been registered based on the direction under Section 156(3) of Cr.P.C. He would further submit that it is only a notional loss and there is no loss as mentioned in the FIR. He would also submit that without prejudice, the petitioner to show his bonafides, is prepared to deposit the original title deeds of documents of immovable property worth Rs.25 lakhs at the time of furnishing the sureties. Hence he prays to the grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioner by misusing the invoices of the defacto complainant had sold his own products and cheated the defacto complainant. He would further submit that the petitioner has two previous cases pending against him of a similar nature. Hence, he objected for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervener would submit that the defacto complainant had believed the petitioner and appointed him as an agent for the sale of grated coconut in Jammu and Kashmir, whereas the petitioner had cheated the defacto complainant by fabricating the invoices and selling his own products and thus caused loss of more than Rs.8 crores. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel and perused the entire materials available on record.



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7.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to deposit original title deeds of documents of immovable property worth Rs.25 lakhs at the time of furnishing the sureties, this Court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall deposit the original title deed of an immovable property worth Rs.25,00,000/-(Rupees Twenty Five Lakhs) to the credit of Crime No.2 of 2023 and on such deposit, 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, Erode**, 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



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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 station everyday at 10.30 a.m, until further orders.

[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.

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