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Crl.O.P.No.7330 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.7330 of 2023

Nagendiran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Police Station,
Thiruppur.

(Crime No.511 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.511 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 13.02.2023, for the offence punishable under Sections 381, 120B, 408, 109 & 201 of IPC in connection with Crime No.511 of 2022, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Vijyanand, who is engaged in the business of exporting garments in the name of M/s.Knit Gallery in partnership with his brother for about 15 years, is that he had stocked his fabrics in Little Flower Convent back side, Mangalam Road and A1/G.Nagendran, who was an in-charge of the said stock godown, had misappropriated 7320 Kilograms of fabrics, worth about Rs.50lakhs, kept in the stock godown during the period from 04.04.2022 to 28.07.2022. Further allegation is that A1 has sold the fabrics to A2, for a meager price and the second accused, who in turn purchased the fabrics with an intend to make unlawful gain. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that there was a dispute between the de-facto complainant and one Arumugam/A2, who is involved in the business dealing with textiles and fabrics in the name and style of VA Tex and due to the dispute between them, the de-facto complainant has lodged a false complaint against the petitioner, as if he has stolen fabrics and sold the same to the second accused. He further submitted that even as per the complaint, everything is available in the CCTV footage and also submitted that the de-facto complainant in order to evade form Income Tax done the business without billing and now in order to escape from GST and other authorities, the petitioner was unnecessarily made as a scape goat in this case and he also submitted that the petitioner was arrested on 13.02.2023 and he is in custody for more than 50 days. He also submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.5622 of 2023 dated 09.03.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A1), who was working as an



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in charge of stock godown of M/s.Knit Gallery owned by the de-facto complainant, along with other accused colluded each other and have surreptitiously stolen the surplus garment fabrics from the factory of the de-facto complainant and looted several lakhs and sold the same to the second accused. He further submitted that investigation in this case is still pending and also stated that no previous case is pending as against the petitioner, however, he opposed to grant bail to the petitioner

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the co-accused in this case has been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-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, everyday at 10.30 a.m., until further orders;

[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]***;



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

10.04.2023

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To

1. The Judicial Magistrate-II,
Thiruppur,
2. The Inspector of Police,
Central Police Station,
Thiruppur.
3. The Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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