



Crl. O.P. No.20463 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused No.5 who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 120-B and 408 of IPC in connection with the Cr. No.8 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Proprietor of Annai Fathima Leather Tannery and doing business with wetblue leathers, finished leathers and chemicals for the last 35 years and he had engaged 4 persons namely 1) Paramaguru, Proprietor of DG Associates 2) E.S. Gopi, 3) Jamuna and 4) Thanigaivel Murugesan in his Ranipet Godown and they are the custodian of the entire stock and during the year 2021, the defacto complainant had undergone Kidney transplantation operation and he sent money to D.G. Associates through bank and materials for production to the worth of Rs.13,29,84,253/- and after his recovery, he came to know that during his absence, in the month of January 2024, some cash was withdrawn from D G Associates and the accused have stolen some materials with the help of one Basheer. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that false case has been registered against the petitioner and the petitioner



Crl. O.P. No.20463 of 2024

is not a named accused in the FIR and there is no specific allegations as against this petitioner, that there is business transaction between the defacto complainant and E.S. Gopi, the 2nd accused, that the petitioner is no way connected with the alleged occurrence, that this petitioner has only acted as Liaisoning officer and he had nothing to do with the money transactions between the parties, that he is ready to furnish sureties and abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that this petitioner along with others, have cheated to the tune of Rs.13,29,84,253/- and no amount was recovered, that taking advantage of the absence of the defacto complainant, the accused have cheated the said amount and investigation is at initial stage and hence he strongly objected for the grant of anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervener has reiterated the arguments of the learned Government Advocate appearing for the State and he would further submit that as he was not well, he was unable to



Crl. O.P. No.20463 of 2024

supervise the business for the past 1 1/2 years and taking advantage of the same, the accused persons have cheated to the tune of Rs.13,29,84,253/- and hence strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the representations putforth on either side, considering the fact that this petitioner is not a named accused in the FIR, that this petitioner has only acted as liaisoning officer and no previous case is pending against the petitioner and since the alleged transactions are arising out of records, there is no chance for tampering the witnesses and considering the nature of offences charged against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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 petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



Crl. O.P. No.20463 of 2024

sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on everyday at 10.00 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 B.N.S.2023.



Crl. O.P. No.20463 of 2024

10.09.2024

[3/5]

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To

- 1.The Judicial Magistrate No.II, Erode
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, District Crime Branch, Erode District.

P.DHANABAL,J

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Crl. O.P. No.20463 of 2024

CRL O.P. No.20463 of 2024

10.09.2024

[3/5]