



Crl. O.P. No.20509 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused, 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and after his recovery, he came to know that during his absence, in the month of January 2024, some cash was withdrawn from D G Associates and the accused have stolen some materials with the help of one Basheer.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 petitioners would submit that the petitioner has been falsely implicated in this case by the



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respondent police, that as per the prosecution case, this petitioner along with other accused have cheated the defacto complainant to the tune of Rs.13,29,84,253/-, in fact this petitioner is not an employees under the defacto complainant at any point of time and he is running business of leather exports under the name and style of Fedora Shoes Export Pvt ltd., and he sustained heavy loss and the defacto complainant agreed to extend support by paying the amount and also agreed that after the settlement, he would permit the petitioner to sell the property for higher rate and thereafter settle the defacto complainant, that the petitioner using all his efforts and influence reduce the upset price and thereby facilitated the defacto complainant to purchase the said properties under one time settlement, that in this regard, on 23.02.2024, he went to the place of the defacto complainant at Erode along with purchasers and requested him to execute the document in favour the prospective purchaser accompanied with him, that the defacto complainant who has become greedy on seeing the rise in prices locked the purchasers and also Paramaguru, the proprietor of D.G. Associates, assaulted and intimidated them under the life threat and obtained signatures in blank papers and other documents and therefore, he lodged complaint on 01.03.2024 before the Superintendent of Police, Ranipet and CSR No.291 of 2024 was given and when the defacto



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complainant was summoned by the police, as a counter blast and with malafide motive to wreck vengeance, this false case has been registered against the petitioner and others, that even in the FIR, the defacto complainant has categorically stated that he has sent money to the 1st accused Paramagurum, Proprietor of D.G. Associates, that the petitioner has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the defacto complainant has lodged complaint against the petitioner and others alleging that taking advantage of the absence of the defacto complainant, due to his health condition, the accused have cheated him to the tune of Rs.13,29,84,253/- and therefore, the respondent police have registered the FIR 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 supervise the business for the past 1 1/2 years and taking advantage of the



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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 there is a dispute between the parties in respect of business and that already a complaint was given by the petitioner as against the defacto complainant on 01.03.2024 and FIR in this case was registered subsequent to the above said complaint and that no previous case is pending against the petitioner and all the alleged the transactions are arising out of records and there is no chance for tampering the witnesses, I am inclined to grant anticipatory bail to the petitioner, subject to the following 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, 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 learned Magistrate concerned and on further condition that:



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**[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 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 269 B.N.S.2023.

10.09.2024
[5/5]



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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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