



**Crl. O.P. No.21296 of 2024**

**Crl. O.P. No.21296 of 2024**

**P. DHANABAL.J.,**

WEB COPY

The petitioners / Accused No.1, 3 and 4, who apprehend 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and after his recovery, he came to know that during his absence, in the month of January 2024, some cash was withdrawn from D G Associates and the accused have stolen some materials with the help of one Basheer.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 respondent police have registered a false case against the petitioner



**Crl. O.P. No.21296 of 2024**

for the alleged offences under Sections 120-B and 408 of IP, that as per the prosecution case, these petitioners were working under the defacto complainant and they are the custodian of the entire stock godown and due to the health condition of the defacto complainant, he was unable to supervise the business and taking advantage of the same, these petitioners were alleged to have cheated a sum of Rs.13,29,84,253/-. In fact, the 1st petitioner is the Proprietor of the D.G. Associates and 2nd & 3rd petitioners are the staff of the 1st petitioner, that the 1st petitioner was doing business in the field of leather at Ranipet, that the defacto complainant was also doing the said business with the 1st petitioner; that the 1st petitioner is neither an employee nor an associate with the defacto complainant, that the defacto complainant purchased the property of E.S. Gopi of Federo Shoes Pvt. Ltd., with an understanding that he will re-convey the said property to the person to be identified by E.S. Gopi, but the defacto complainant went back on his promise and also wanted to knock out the machineries standing in the said property, that during the dispute, the 1st petitioner spoke only the truth, where justice was lying, that aggrieved by the same, the 1st petitioner was implicated with a malicious intention, that the petitioners 2 and 3 are only staff of the 1st petitioner, that there is a business transaction between the defacto



**Crl. O.P. No.21296 of 2024**

complainant and E.S. Gopi/2nd accused, that the petitioners herein, have not committed any offence as alleged by the defacto complainant. 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 petitioners 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 petitioners.

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 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 petitioners.



**Crl. O.P. No.21296 of 2024**

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

WEB COPY

7. Considering the representations putforth on either side, considering the fact that these petitioners are not the Staff of the defacto complainant and the 1st petitioner is doing business separately and even according to the FIR, the 1st petitioner is the Proprietor of D.G. Associates and 2nd & 3rd petitioners are the staff of the 1st petitioner, that all the alleged offences said to have been committed through records and hence there is no chance for tampering the witnesses and that no previous case is pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



**Crl. O.P. No.21296 of 2024**

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

[b] the petitioners 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 petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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



**Crl. O.P. No.21296 of 2024**

under Section 269 B.N.S.2023.

WEB COPY

10.09.2024  
[4/5]

mjs

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**  
mjs

CRL O.P. No.21296 of 2024



WEB COPY



**Crl. O.P. No.21296 of 2024**

10.09.2024

[3/5]