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Crl.O.P.No.130 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 130 of 2025

and CRL MP NO.927 of 2025

Thoppil Moula Shajahan
S/o. ThoppilMoidheenMoula, ThoufeekManzil,
Thoppilparambu, Vedimara, Mannam Post,
Paravur, Ernakulam, Kerala - 683 520.

Petitioner(s)

Vs

The State Rep.By, The Inspector Of Police,
District Crime Branch Erode District. (Crime
No.08 of 2024)

Respondent(s)

For Petitioner(s) : Mr. D Lakshmipathy

For Intervener : Mr. Felix Parthiban

**For Respondent(s): Mr. S.Santhosh, Government Advocate (Crl. Side)
Madras High Court.**

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B and 408 of IPC in Crime No.08 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant is the proprietor of Annai Fathima Leather Tannery and doing business with wet blue leathers, finished leathers and chemicals for the past 35 years and he is having a godown at G.R.Hides India Pvt. Ltd., building complex at Ranipet for exporting the finished products to foreign countries. It is further stated that due to health issues of the defacto complainant and further to undergo kidney transplantation, the defacto complainant had appointed the co-accused persons to look after his godown and production activities. It is further stated that the co-accused persons have misappropriated the defacto complainant's money and materials worth about Rs.13,29,84,253/-, further the defacto complainant's finished leather materials were taken from his godown and sent to his regular buyer one SANDRO Mode SRL, Italy, however, the same has been billed in the name of T.M.S. Leathers, which is owned by the petitioner herein. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner herein is the proprietor of TMS Leathers, which has been established on 1978, further the petitioner has a manufacturing unit at Edyar, Ernakulam District, Kerala, which has a capacity of manufacturing



800 nos. of wet blue hides per day. He also submitted the petitioner's company products were also stored in the said godown, for the purpose of converting the raw materials into finished goods and effecting export. He also submitted that the present complaint has been lodged against the petitioner herein with an oblique motive to damage the reputation of the petitioner. He further submitted that the petitioner is innocent and he has been falsely implicated in this case, further the co-accused were granted anticipatory bail by this Court vide orders dated 10.09.2024 in Crl.O.P.Nos.21296 and 20509 of 2024. He also submitted that the petitioner has been granted anticipatory bail by the Principal District and Sessions Judge, Erode vide order dated 26.11.2024 in Crl.M.P.No.3886 of 2024, however, due to health condition of the petitioner, he could not able to execute the sureties on time, hence, the same has been lapsed automatically. He also submitted that the petitioner is also ready to abide by any condition that may be imposed by this Court and to co-operate for the investigation, therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police opposed for granting of anticipatory bail to the petitioner by stating that, the defacto complainant had lodged complaint against the



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petitioner and other accused persons stating that, taking advantage of the absence of the defacto complainant, due to his health condition, the co-accused have cheated and misappropriated the fund and materials of the defacto complainant to the tune of Rs.13,29,84,253/-. He also submitted that the specific allegation against the petitioner herein is that, he is the proprietor of TMS Leathers and he had taken the goods worth about Rs.1,10,00,000/- from the defacto complainant's godown with the help of co-accused and supplied the same to the regular purchaser of the defacto complainant under his company's name. He would also submit that the co-accused were granted anticipatory bail and the investigation is still pending.

5. Learned counsel appearing for the intervener has reiterated the arguments of the learned Government Advocate (Criminal Side) appearing for the State and strongly opposed to grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner, learned counsel for the intervener and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, including the FIR.



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7. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the co-accused were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate Court No.II, Erode** on condition that the petitioner shall execute a separate 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 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



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respondent police everyday at 10:30 a.m., for a period of three days and thereafter, as and when required for interrogation.

[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 269 of B.N.S.

9. Accordingly, this criminal original petition and the connected criminal miscellaneous petition is ordered.

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To

1. The State Rep.By, The Inspector Of Police,
District Crime Branch
Erode District.
(Crime No.08 of 2024)

A.D.JAGADISH CHANDIRA, J.

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and
Crl.M.P. No.927 of 2025**

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