



Crl.OP.No.7584 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7584 of 2025

Francis

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch
Tiruppur City
(Crime No.7 of 2024)

.. Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.7 of 2024 pending investigation on the file of the respondent police.

For Petitioner : M/s.John Sathyan, Senior Counsel
for Mr.R.Harinath.

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.02.2025, seeking bail in



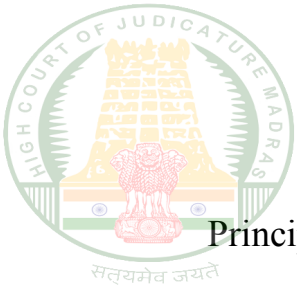
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Crime No.7 of 2024 registered for the offence under Sections 406, 420 and 506(1) and altered to Section 409, 420 and 506(1) of IPC

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2. The case of the prosecution is that the petitioner is one of Directors of the Company 'F.Robin Power Solutions Pvt. Ltd'; that the petitioner and the defacto complainant entered into a contract under which the petitioner agreed to install Solar Energy Power Plant of 16 MW in the Spinning Mills run by the defacto complainant; that the petitioner along with other accused received a total sum of Rs.1,02,00,12,160/-(Rupees One Hundred and Two crores and Twelve Thousand One Hundred and Sixty only) a for the said plant in the year 2021-2022 and instead of installing 16 MW Plant installed only 2 MW and thereby caused a loss of Rs.89,25,10,640/- to the defacto complainant.

3. The learned Senior Counsel appearing for the petitioner submitted that the allegations only reveal a dispute of civil nature; that the Power plant was installed as early as on 09.08.2023, as seen from the letter of the TANGEDCO sent to the defacto complainant; and that the petitioner and other accused instituted the suit in O.S.No.01 of 2024 before the



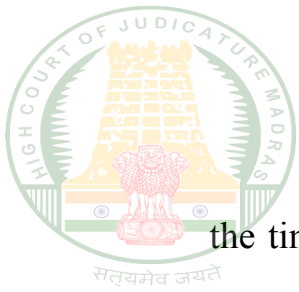
Principal District Court, Dindigul claiming a sum of Rs.1,84,46,160/-

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(Rupees One Crore Eighty Four Lakhs Forty Six thousand One Hundred and Sixty only) and that the FIR was lodged on 26.06.2024, subsequently making the false allegations. He further submitted that considering the fact that it is commercial dispute; that even if the allegations are accepted to be true, it only reveals breach of promise and taking note of the period of incarceration, the petitioner may be released on bail.

4. The learned counsel appearing for the defacto complainant vehemently opposed the grant of bail and stated that the dispute between the petitioner and the defacto complainant started in December 2022; that the defacto complainant had engaged another Company to install the Power plant and since there were negotiations between the petitioner and the defacto complainant and there was a delay in lodging a complaint.

5.The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that transaction took place in the year 2021 and the payments were made during the said period and it is the case of the defact complainant that the petitioner had not completed the project within



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the time stipulated and instead installed 2 MW of Solar Energy Steel Plant instead of 16 MW of Solar Energy steel plant.

6. At this juncture, the learned senior counsel for the petitioner submitted that the petitioner without prejudice to his defence is willing to deposit a sum of Rs.2 crores to the credit of Crime number to show his bonafides.

7. From a perusal of the FIR and the submissions of the learned counsel on either side, it is seen that the defacto complainant had placed a purchase order to the petitioner's Company for installing 20 MW Power Plant on 27.12.2021. By an agreement thereafter, it was reduced to 16 MW. It is also not in dispute that the TANGEDCO has sent a letter to the defacto complainant on 09.08.2023 that, 2 MW solar Power plant was commissioned on 01.10.2022 and balance 14 MW was commissioned in the existing service on 21.06.2023. This fact has not been disclosed in the complaint filed by the defacto complainant. It is also seen that the defacto complainant had not given a complaint till June 2024. In the meanwhile, the petitioner had filed a Civil Suit claiming a sum of Rs.1,84,46,000/- as stated



above. The allegations even if accepted to be true only reveals a breach of promise made in the year 2021-2022. The complaint was filed only on 26.06.2024. Further custody is not warranted merely because the alleged amount due on account of breach of promise is huge.

8. Considering the aforesaid facts and the dispute being Commercial in nature and since the allegations are borne out by the records, this Court is inclined to grant bail with certain conditions.

9. Accordingly, the petitioner is ordered to be released on interim bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No-II, Tirupur**, and on further conditions that:

[a] the petitioner shall deposit a sum of Rs.2,00,00,000/- to the credit of Crime No.07 of 2024.

[b] 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;

[c] the petitioner shall report before the respondent Police, twice a week at 10.30 a.m., until further orders;



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[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

9. Post the matter after two weeks for reporting compliance .

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Index : Yes / No

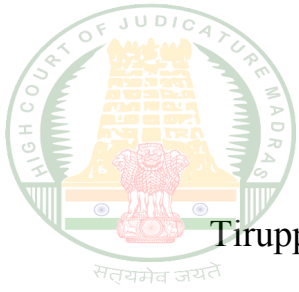
Internet : Yes / No

dpa

To

1.The Inspector of Police,
Central Crime Branch

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Tiruppur City.

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2.The Judicial MagistrateNo-II, Tirupur.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.
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