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Crl.O.P. No.14445 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.14445 of 2025

Mohamed Taheer

... Petitioner/ Accused

Vs.

The State Rep. By,
The Inspector of Police,
Central Crime Branch Police Station,
Tiruppur City.
(Crime No.07 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.07 of 2025, pending investigation on the file of the respondent.

For Petitioner : Mr. M. Sricharan Rangarajan, Senior Counsel
(For Mr. Mohamed Ashick)

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



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ORDER

Petition seeking bail in respect of Crime No.07 of 2025 registered for the alleged offences punishable under Sections 409 and 420 of the Indian Penal Code (Equivalent to Section 316(5) and 318(4) of BNS, 2023, is on board for consideration.

2. The case of the prosecution is that the defacto complainant is running a firm in the name ALSB Tex and the petitioner is running a firm in the name Phenix Creations; that the petitioner and the defacto complainant were involved in commercial dealings for over three years; that thereby, the petitioner had taken Hosiery Garments from the defacto complainant's firm on credit basis. The petitioner had issued cheques towards his outstanding payment of Rs.82,00,000/- to the defacto complainant, which were returned as insufficient fund; and that while the defacto complainant asked the petitioner to return the money, he was abused and threatened of dire consequences by the petitioner. Hence, this case.

3. The learned Senior Counsel appearing for the petitioner submitted



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that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has been arrested and remanded to judicial custody on 12.04.2025. He further submitted that the cheques referred in the FIR were not issued towards the discharge of any legally enforceable debt or liability, they were handed over purely as collateral security in the course of a long-standing commercial relationship between the petitioner and the defacto complainant. He further submitted that the delay in payment to the defacto complainant is with respect to the quality of the goods supplied by the defacto complainant and by suppressing all these facts, the defacto complainant with an ulterior motive lodged a false complaint by giving criminal colour to the commercial transactions. He also submitted that the petitioner, to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit a sum of Rs.5,00,000/- to the credit of crime number before the Court concerned, therefore, he prayed for bail to the petitioner.

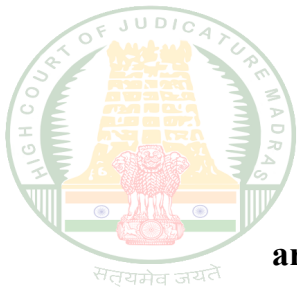
4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioner had purchased the goods to the value of approximately Rs.1.26 Crore from the



defacto complainant and paid approximately a sum of Rs.44,00,000/- and not paid the balance amount to the tune of Rs.82,00,000/-. He also submitted that the petitioner had issued cheques to the tune of Rs.80,00,000/- to the defacto complainant, which were also returned as insufficient fund; and that the investigation is pending, hence opposed the bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that there is a commercial transactions between the petitioner and the defacto complainant, the period of incarceration undergone by the petitioner and the voluntary submission made by the learned Senior Counsel appearing for the petitioner in respect of depositing a sum of Rs.5,00,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

(1) The petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.07 of 2025 before the learned Magistrate concerned and on such deposit, the learned Magistrate concerned shall re-deposit the same to any of the Nationalized bank under interest bearing scheme and disburse the same, at the time of completion of the trial or if any settlement



arrived between the parties;

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(2) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Tiruppur** along with the **proof of deposit of Rs.5,00,000/- to the credit of Crime No.07 of 2025.**

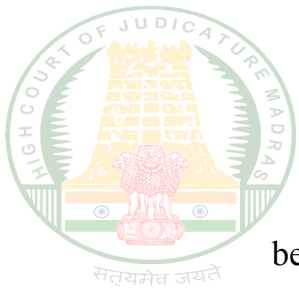
(3) The petitioner shall report before the respondent police as and when required for interrogation and further, the respondent police shall find out whether the defacto complainant and the petitioner are willing to settle their issue through mediation, if so, the parties shall be directed to approach the District Mediation Centre, in this regard.

(4) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(5) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(6) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(7) The petitioner to give an undertaking that if required for



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being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(8) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

(9) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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To

1. The Judicial Magistrate No.1,
Tiruppur.
2. The Inspector of Police,
Central Crime Branch Police Station,
Tiruppur City.
(Crime No.07 of 2025)
3. The Superintendent,
Sub Jail, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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M. NIRMAL KUMAR, J.

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