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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 24/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.15209 of 2023

M.Sivagnanam

: Petitioner/ A2

Vs.

The Inspector of Police,
Anna Nagar Police Station,
Anna Nagar, Madurai City,
Madurai.
(In Crime No.497 of 2023)

: Respondent/ Complainant

Indira

: Petitioners/ Intervenor
in CRL MP(MD)No.12215 of 2023

For Petitioner : Mr.Niranjan.S.Kumar, Advocate

For Respondent : Mr.B.Nambiselvan

Additional Public Prosecutor

For Intervenor : Mr.D.Senthil, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER:-For Anticipatory Bail in Crime No.497 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A2 apprehends arrest at the hands of the



respondent police for the offences punishable under sections 406, 420, 294(b) and 506

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(i) IPC, in Crime No.497 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that her husband is running a Gold Pawn Broker business called Sai and Esha Gold in SKA Plaza. He died due to Corona and she is now continuing the business. On 23/07/2023, the petitioner herein introduced one Suresh Pandi for re-pledging the jewels. Later the above said Suresh Pandi redeemed the jewels. The petitioner also pledged his jewels and subsequently, failed to pay the interest. So, she lodged a complaint before the Othakadai Police Station. By taking the above said as motive, to recover the jewels he joined hands with Suresh Pandi and again, she was taken to the Bank. She deposited Rs.6,06,000/- in the account of Suresh Pandi. Later Suresh Pandi switched off his phone. When she was talking in the phone the accused persons making criminal intimidation, abuse etc. So, seeking recovery of the money, this case has been registered in Crime No.497 of 2023 on the basis of the complaint given by the de-facto complainant for the offences stated above.

3. Seeking anticipatory bail, this petition came to be filed by the petitioner.

Intervenor also come on record.



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4.The learned counsel appearing for the petitioner would submit that as per the allegation made in the FIR, only A1 alleged to have received the money from the de-facto complainant in his account. So far as this petitioner is concerned, absolutely, he is not involved in the above said transaction between the de-facto complainant and A1.

5.It was submitted by the learned Additional Public Prosecutor as well as the de-facto complainant that after depositing money in the account of A1, a portion of the amount was also handed over to this petitioner. But absolutely, nothing is available on record. When we go through the CD file.

6.It is further submitted on the side of the de-facto complainant that A1 along with this petitioner moved CrI.MP No.4506 of 2023 before the Principal District Judge, Madurai. That came to be dismissed, on 09/08/2023. After that, by leaving A1, the present petition has been filed by this petitioner, which according to the de-facto complainant, shows connivance or conspiracy between A1 and this petitioner. But however, as noted above, reading of the complaint as well as CD file does not indicate even remotely involvement of this petitioner.

8.No doubt that this petitioner was also having transaction with the de-facto complainant. But due to some sort of issue over the payment of interest and redemption of the pledged jewels, difference of opinion arose between the parties.



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Because of that only, the de-facto complainant sold the pledged jewels without even taking proper steps. According to him, the de-facto complainant is running a Pawn Broker business, without license. But these things were not brought on record. Now, it is a matter for consideration by the Investigating Officer. But one thing is made clear with regard to the issue between A1 and the de-facto complainant. Only bald allegation has been made against the petitioner to the effect that because of the enmity that arose between them, he joined hands with A1, invited the de-facto complainant to a Bank and caused deposit of Rs. 6,06,000/- in the account of A1. How this petitioner is involved in the above said transaction is not clearly mentioned in the FIR.

9. Since only bald allegation has been made and that too, there was previous enmity issue between the de-facto complainant and this petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned *Judicial Magistrate No.VI, Madurai* and on his executing 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 Judicial Magistrate concerned and on further condition that the petitioner shall appear before the



respondent police daily at 10.30 am until further orders. The petitioner shall comply

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with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously.

sd/-

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/09/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION, ANNA NAGAR,
MADURAI CITY. MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-12735[I] dated 24/08/2023)

ORDER
IN

CRL OP(MD) No.15209 of 2023

Date :24/08/2023

SS/VR/05/09/2023/5P/6C