



CRL OP(MD). No.6803 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.6803 of 2026

Subash

... Petitioner/Sole Accused

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.
Crime No.240/2025.

... Respondent/Complainant

PRAYER :-

For Anticipatory Bail in Crime No.240/2025 on the file of the
respondent Police.

For Petitioner : M..Prabu,
Advocate.

For Respondent : Mr.M.Karunanithi,
Government Advocate (Crl.Side)

ORDER : The Court made the following order :-



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The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 406 and 417 of IPC (Corresponding Sections 316(2) and 318(2) of BNS) in Crime No. 240 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a pawn shop in the name of S.M.Gold Loan Financing Solution. On 17.01.2022, the defacto complainant pledged 7 sovereigns of gold jewels for his family needs in the petitioner's pawn shop. Thereafter, on 18.01.2023, he was informed that Principal amount is Rs.1,80,100/- and interest is Rs.44,200/- and he also remitted the the amount of Rs.42,000/- as interest. Since, the defacto complainant was unable to immediately go to the shop, after a month, he went to the shop for obtaining receipt for the payment of Rs.42,000/- and found that the pawn shop was not functioning there. When he tried to contact the petitioner, unable to reach him and thereafter, he came to know that the shop was closed before 1 year and he was cheated by the petitioner. Hence, this petition.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and no amount was paid by the complainant as



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alleged by the prosecution and the alleged occurrence was happened in the year 2022 and FIR was registered on 14.10.2025 and hence, there is a delay in lodging the FIR and no previous case is pending against him. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant pledged 7 sovereigns of gold jewels in the pawn shop of the petitioner. Though the defacto complainant paid the interest amount of Rs.42,000/-, the petitioner failed to issue a receipt for the same and further cheated 7 sovereigns of gold jewels of the complainant. Hence, he opposes to grant anticipatory bail to the petitioner. He would further submit that the investigation is still pending and petitioner has no previous case.

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

6. Considering the rival submissions on either side and the nature of offences charged against the petitioner, and there is a money dispute



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between the parties and the alleged jewels were pledged in the year 2022 and FIR was registered on 14.10.2025 and there is a delay in lodging a complaint and the petitioner has no previous case, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to 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 **Judicial Magistrate Andipatti**, and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m until further orders;

[c] the petitioner shall not commit any offences of similar nature.

[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



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learned Judicial 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.

21.04.2026

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To

- 1.The Judicial Magistrate,
Andipatti.
- 2.The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J

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ORDER
IN
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