



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Ninth day of October Two Thousand and Eighteen

PRESENT

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The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.16110 of 2018
and
CRL MP(MD) No.8066 of 2018

L.MARIAPPAN

... PETITIONER / ACCUSED RANK NOT KNOWN
(in CRL OP(MD) No.16110 of 2018)

Vs

THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT
CR NO.NOT KNOWN OF 2018

... RESPONDENT / COMPLAINANT
(in CRL OP(MD) No.16110 of 2018)

R.NATARAJAN

... PETITIONER/INTERVENER
(CRL MP(MD) No.8066 of 2018 in
CRL OP(MD) No.16110 of 2018)

For Petitioners : Mr.J.JEYAKUMARAN Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

For Intervenor : Mr.S.M.A.JINNAH, Advocate

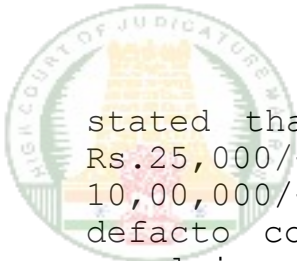
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 I.P.C in Crime No.40 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is running a jewellery shop in the name and style of Vinayaga Jewellery. The defacto complainant is doing a pawn broker business and he well knew about the petitioner. On 23.08.2018, the defacto complainant deposited a sum of Rs.25,00,000/- to the petitioner's account for taking jewel auction conducted by the Muthoot Finance Ltd., After receiving the said amount, he failed to do so. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that due to misappropriation of funds, the petitioner has given a written statement before the respondent police, in which, it is



stated that 157 grams of gold worth about Rs.4,75,000/-, cash Rs.25,000/-, an original document of his shop worth about 10,00,000/- and also five blank cheques have been given to the defacto complainant and the same was also agreed by the defacto complainant. Hence, he prays for anticipatory bail.

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4. Heard the learned counsel for the intervener.

5. The learned Additional Public Prosecutor submitted that the investigation is pending.

6. Considering the submission made by the learned counsel for the petitioners and also taking note of the facts and circumstances, this Court is inclined to grant interim anticipatory bail to the petitioner on condition that the petitioner shall pay a sum of Rs.20,00,000/- (Rupees twenty lakhs only) to the defacto complainant within a period of 8 weeks from the date of receipt of a copy of this order. On such condition, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Tirunelveli 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for interim anticipatory bail shall stand dismissed.

8. If the petitioner fails to pay a sum of Rs.20,00,000/- (Rupees twenty lakhs only) to the defacto complainant, the interim anticipatory bail shall stand cancelled, automatically.

sd/-
29/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

<https://hcservices.ecourts.gov.in/hcservices/>
2. TO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.16110 of 2018
and
CRL MP (MD) No.8066 of 2018
Date :29/10/2018

RAM/JC/SAR 4/09.11.2018/3P/5C