



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

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.153 AND 336 of 2019

RAVI ... PETITIONER / ACCUSED (RANK NOT KNOWN)
IN CRL OP(MD) No.153 of 2019

RAJA ... PETITIONER / ACCUSED NO. NOT KNOWN
IN CRL OP(MD) No.336 of 2019

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO.789/2018)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : MR.S.SARAVANAKUMAR Advocate
IN CRL OP(MD) No.153 of 2019

MR. S.LOGANATHAN
IN CRL OP(MD) No.336 of 2019

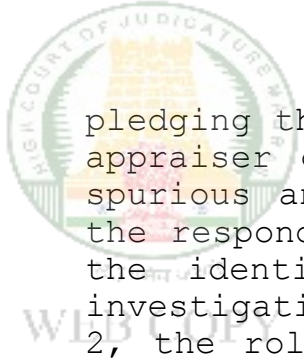
For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who arrayed as accused Nos.3 and 4 and apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 420 and 506(ii) IPC in Crime No.789 of 2018 seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the main persons, who have engaged the accused 1,2 and 5, and gave spurious jewels to be pledged with the defacto complainant. The accused 1,2 and 5 had taken jewels and made arrangements for



pledging the same. When the jewels were tested and verified by the appraiser of the defacto complainant, it was found that they were spurious and immediately, the accused 1 and 2 were caught hold by the respondent police and the case was registered. On the basis of the identified particulars furnished by the accused 1 and 2, investigation was commenced and on confession of the accused 1 and 2, the role of these petitioners have been revived. Further, the accused 1 and 2 have confessed that they have been regularly doing such acts at the instigation of these petitioners. Similarly, they have also pledged the spurious jewels with the State Bank of India and other finance companies.

3.The learned counsel for the petitioners would submit that the petitioners had not participated in any offence as alleged by the prosecution and they have been falsely implicated in this case and they have no bad antecedents. They are willing to co-operate with the investigation and due to some animosity, the defacto complainant had implicated these petitioners in this case. He further submit that it would only amount to an attempt.

4.The learned Government Advocate (Crl.Side) for the respondent police opposes to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 A.M., for a period of two weeks, thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
10/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
SIVAGANGAI, SIVAGANGAI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
 - 3 THE INSPECTOR OF POLICE
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.S.SARAVANAKUMAR Advocate SR.No. 669

ORDER
IN
CRL OP(MD)Nos.153 & 336of 2019
Date :10/01/2019

MSI/PN/SAR-II/23.01.2019-3P/6C