

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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5975 of 2019

1 RAMAR
2 SAKKANNAN
3 KALEESHWARI
4 SIVAKAMI
5 RAJA

... PETITIONERS/ACCUSED No.2 to 6

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
CRIME NO.37 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.P.SENGUTTARASAN, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

For Intervenor : MR.R.SHANKAR GANESH, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120 (b), 406, 420 IPC, in Crime No.37 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner and the other accused persons running a Pawn Broker Shop for which they paid the money after collecting the jewel. When the persons repaid the money in order to redeem the jewels, they approached the petitioners and the petitioners informed that they were not running the Pawn Broker Shop and they stated that A1 handed over the shop to one Ramar (A2) and the said Ramar was escaped. Thereby, all the affected parties have filed a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. In fact

A2 & A3 are cousin brothers. After owning the Pawn Broker Shop from A1, A2 & A3 had nothing to do to run the Shop. A1 has already settled the amount infavour of the affected parties. Only meagre amount has to be paid. The learned counsel for the petitioners A3, A4, A5 & A6 are ready to deposit a sum of Rs.4,00,000/- without prejudice to their rights and prayed for granting anticipatory bail to the petitioners. He is not pressed the petition for A2.

4. The learned counsel for the intervenor vehemently opposed to grant anticipatory bail to A2.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners are family members and they are come forward to deposit a sum of Rs.4,00,000/-, this Court may consider the anticipatory bail application of the petitioners.

5.Considering the facts and circumstances and considering the fact that the learned counsel for the petitioners is not pressed the petition as regards first petitioner/A2, hence this petition is dismissed as not pressed as far as the first petitioner/A1 is concerned. Considering the other petitioners/A2, A3, A4, A5 & A6 are come forward to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) in order to show their *bona fideness* and without prejudice to their rights, this Court is inclined to grant anticipatory bail to the petitioners. 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, Theni 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 learned Magistrate concerned and on further condition that:

(a) the petitioners 2, 3, 4, 5 & 6 shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) to the credit of Crime No.37 of 2018, before the concerned Court, before executing bond.

(a)the petitioners 2, 3, 4, 5 & 6 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2, 3, 4, 5 & 6 shall report before the respondent police daily as and when required for interrogation;

(c) the petitioners 2, 3, 4, 5 & 6 shall not tamper with evidence or witness either during investigation or

(d) the petitioners 2, 3, 4, 5 & 6 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 second and third petitioners/A2 & A3 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI,
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.SHANKAR GANESH, Advocate SR.No.7695

ORDER IN
CRL OP(MD) No.5975 of 2019
Date : 29/04/2019

DSS
PK/JC/SAR-1/08.05.2019 : 3P/6C