



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22984 of 2018

THIRUNAVUKARASU

... PETITIONER / ACCUSED NO.2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
DCB POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.CHANDRASEKARAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the offences under Sections 409 and 420 IPC in Crime No.26 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that a complaint was launched by one Mubarak Ali claiming to be a public hailing from Ottanchathiram that certain irregularities have taken place at Canara Bank, Ottanchathiram Branch and on 13.06.2018, the *de facto* complainant's jewel loan jewels were publicly auctioned and in that auction, one packet of gold jewels turned out to be fake which was reported to the Manager Senkathir Selvan. Immediately, thereafter, the Manager has settled the issue with the auctioneer and covered up the issue. This issue was not informed to the Regional Manager or to the concerned highest authorities by the Bank Manager which caused great suspicion about the Manager and other officials of the Bank. Further, the jewels pledged with the Bank are now doubted whether they are genuine or fake for which several petitions have been sent to the higher officials and not action has been taken. Only, thereafter this complaint has been given.

3. The petitioner submits that he is only an Appraiser and he is no way involved in the above offence. In fact, he had met with a



major accident and was hospitalized. He had to incur heavy expenditure. The allegations made by the *de facto* complainant and others is merely on surmise that the money obtained using fake jewels has been rotated and used by the petitioner for his medical treatment, whereas the petitioner had borrowed money from his friends and family, by which he has made payment to the hospital. Therefore, he submits that he is no way connected with the offence.

4. The learned Government Advocate (Crl., side) submits that as per the report submitted by the Assistant General Manager, Canara Bank, it is found that there have been nine (09) account numbers of eight borrowers and all the borrowers have stated that it is on the request of this petitioner that they have lent their names and the subsequent happenings are not known to them. It is further seen that all the accounts are closed and the amount to be beard has been repaid and the loans have been closed and there is no loss to the Bank.

5. Taking into consideration the submissions made by the learned counsel appearing on either sides, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Dindigul District on condition that the petitioner shall 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police **daily at 10:30 a.m. for a period of two weeks** for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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]**;



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
DCB POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.SEVUGARAJA Advocate SR.No.1474

PS/JC/SAR-3/06.2.2019/3P/6C

ORDER
IN
CRL OP(MD) No.22984 of 2018
Date :22/01/2019