



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . No.5164 of 2020

Gopal

... Petitioner/Accused Not Known

Vs

The State rep.by
The Inspector of Police,
District Crime Branch, Virudhunagr District.
(Crime No.07 of 2019). ... Respondent/Complainant

For Petitioner : M/s.C.Susikumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

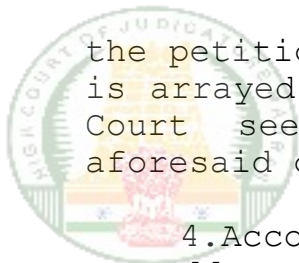
For Anticipatory Bail in Crime No. 07 of 2019 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 420,
465, 468 and 471 of I.P.C., in Crime No.07 of 2019 on the file of
the respondent police, seeks anticipatory bail.

3.The complaint has been given by one Chandra alleging that the
jewel pledged by her in the Pandiyan Grama Bank, Erichanatham
Branch, has been redeemed by her son without her knowledge by
producing forged authorisation letter and in connivance with the
Manager and the Appraiser of the said bank. The petitioner is the
husband of the de-facto complainant. In the course of the enquiry,



the petitioner is also found to be involved in the said crime and he is arrayed as second accused. The petitioner herein is before this Court seeking anticipatory bail apprehending arrest for the aforesaid offences.

4. According to the petitioner, he is not involved in the crime as alleged by the prosecution and, no specific overt act is attributed against him. Even according to the complaint and investigation, the jewel was redeemed by A-1, his son Rajagopal with the knowledge of the Manager and the Appraiser. Due to family dispute, the petitioner's wife has given the complaint and the respondent police has included the petitioner also as one of the accused, based on the material collected during the course of investigation.

5. The learned Government Advocate (Crl. side) appearing for the State would submit that though the petitioner's name was not found in the First Information Report, the investigation indicates that the jewel of the de-facto complainant was redeemed by the first accused with connivance of the Manager and the appraiser for which, the petitioner herein, who is the father of the first accused is also a part of the conspiracy hatched by other accused.

6. Considering the relationship between the petitioner and de-facto complainant and the fact that the prime accused A-1 has already been arrested, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

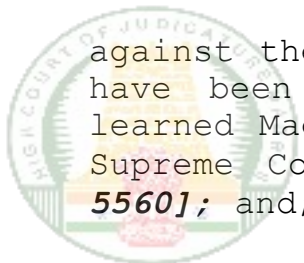
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required 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]**; and;

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

sd/-

24/03/2020

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

TO

1. The Judicial Magistrate Court No.II,
Virudhunagar.
 2. The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.
 - 3 The Inspector of Police,
District Crime Branch, Virudhunagar District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.C.SUSI KUMAR, Advocate (SR-5708[I] dated 24/03/2020)

ORDER

IN

CRL OP(MD) No.5164 of 2020

Date :24/03/2020

SDS (31.03.2020) 3P-6C