



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

Monday, the Fifteenth day of June Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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CRL OP (MD) No.6235 of 2020

Chidabara Chithra (Chithra)@
Chithambara Chithra,

.. Petitioner/Accused No.2

Vs.

State rep by
The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City
Crime No.525 of 2019

.. Respondent/Complainant

For Petitioner : M/s. R.Anand, Advocate.

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

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

PRAYER :

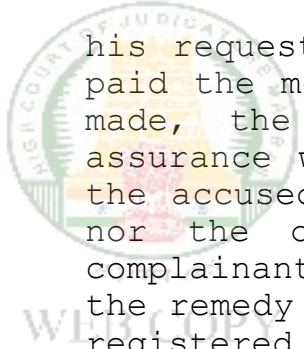
To enlarge her on bail in the event of her arrest by the respondent police in Cr.No.525 of 2019 on the file of the Inspector of Police, Vilakkuthoon Police Station, Madurai City.

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 406 and 420 of I.P.C., in Crime No.525 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the de facto complainant is the Proprietor of the jewellery shop by name P.R.J.Jewellers, Madurai and the accused no.1 is said to have run his jewellery shop in the name of Chithra Jewellers at Valliyoore. It is his further allegation that during the year of 2018, the staffs attached with the de facto complainant met the accused no.1 and developed professional relationship and since the petitioner at the original point of time has acted genuinely, the de facto complainant has considered the accused no.1 later requested to part with gold in a large quantity. On believing the words, the de facto complainant supplied gold to a total weight of 294.480 gms. Thereupon, despite



his request, the accused no.1 has not either returned the gold nor paid the money for the gold received. When a persisting demand was made, the accused no.1, on 18.02.2019 has given a letter of assurance with regard to repayment which has also been attested by the accused no.4. Subsequently as assured, neither the accused no.1 nor the other accused persons have acted upon, the de facto complainant, after sending a formal complaint, has resorted to seek the remedy under Section 156(3) of Cr.P.C and accordingly, F.I.R was registered.

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Government Advocate (Crl.side) appearing for the State would submit that this Court had earlier granted bail to the co-accused. He further submits that the petitioner is also based on the same footing.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Madurai District, 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;

[b] the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

(c) 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

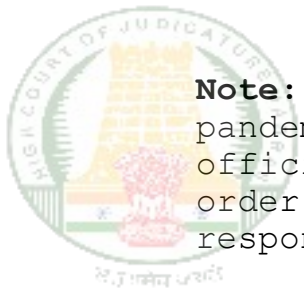
(d) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. 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 anticipatory bail shall stand dismissed.

sd/-
15/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilised for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.1,
MADURAI
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
VILAKKUTHOON POLICE STATION,
MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

ORDER
IN
CRL OP (MD) No.6235 of 2020
Date :15/06/2020

PD/VR/SAR-III/18.06.2020 P3 : 5C