



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10693 of 2020

M.Rajalingam

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Thiruverambur Police Station,
Thiruverambur, Trichy District.
Crime No.05 of 2018.

... Respondent/Complainant

For Petitioner : M/s.J.Sankara Pandian,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.05 of 2018 on the file of the respondent police.

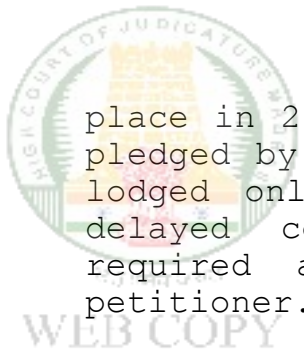
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(ii) of IPC in crime No.05 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioner herein was working as Jewel Appraiser in the City Union Bank, Kaatoor Branch, Trichy District. He pledged spurious jewels in the name of second and third accused and availed jewel loan for a sum of Rs.4,15,000/-. Thereafter, it was found that the jewels pledged by A2 and A3 are spurious in nature. Thereby, the accused persons cheated the defacto complainant Bank to the tune of Rs.4,15,000/-.

4.The learned counsel appearing for the petitioner would submit that even according to the prosecution, the alleged crime was took



place in 2017. On auditing, it was found that spurious jewels was pledged by the accused persons in the year 2017, but complaint was lodged only in the year 2018. there is no explanation for the delayed complaint. Therefore, custodial interrogation is not required and hence, he prayed for anticipatory bail to the petitioner.

5.The learned Government Advocate(Criminal side) appearing for the respondent police would submit that while the petitioner was working as Jewel Appraiser, he had pledged spurious jewels in the name of A2 and A3 and availed jewel loan for a sum of Rs.4,15,000/-. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

6.It is seen that there are totally three accused and the petitioner was arrayed as A1. When he was working as Jewel Appraiser, he pledged spurious jewels in the name of A2 and A3 and availed jewel loan for a sum of Rs.4,15,000/-. Subsequently, it was found that the jewels pledged by the petitioner was spurious one.

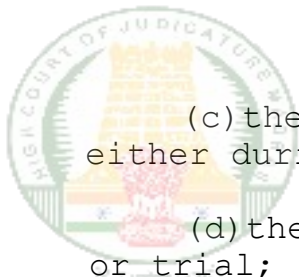
7.Now, the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit the substantial amount.

8.Taking into consideration the facts and circumstances of the case and also taking note of the fact that crime is of the year 2018, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall deposit a sum of Rs.2,00,000/- to the credit of crime No.05 of 2018 before the learned Judicial Magistrate No.VI, Trichy, Trichy District.

9.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, Trichy 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 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 daily at 10.30 a.m., for period of three weeks and thereafter 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;

WEB COPY (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/-

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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 utilized 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

1. THE JUDICIAL MAGISTRATE NO.VI,
TRICHY, TRICHY DISTRICT.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVERAMBUR POLICE STATION,
THIRUVERAMBUR, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.10693 of 2020

Date :02/11/2020

GNS

SRS/JC/SAR-IV/18.11.2020/3P/5C

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