



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

Date : 20/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19600 of 2019

S.Shanmugapandi,

... Petitioner/Accused

Vs

1. State, rep by
Inspector of Police,
Kadaladi Police Station,
Ramanathapuram.

2. State, Rep through by
Inspector of Police,
District Crime Branch,
Ramanathapuram.

... Respondents/Complainants

For Petitioner : M/s.V.S.S.Ramkumar,
Advocate.

For Respondents : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

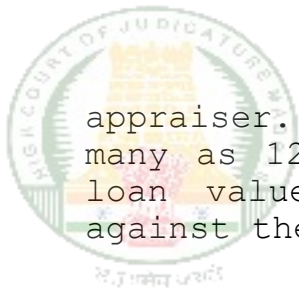
For Anticipatory bail in Crime No. unknown of 2019 on the file of the Respondent Police.

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 406 and 420 of I.P.C., in Crime No. not known of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The Manager, Indian Overseas Bank, Kadaladi Branch, is the defacto complainant. The petitioner was engaged as a jewel



appraiser. During a random inspection, it came to be known that as many as 122 packets of pledged items contained spurious gold. The loan value is said to be Rs.81,46,130/-. The allegations made against the petitioner are fairly serious.

4. When the case was originally taken up, the learned Government Advocate(Crl. Side) took time. Therefore, I granted interim protection against the arrest of the petitioner. But then, the petitioner came to be arrested in breach of the interim order granted by this Court. Therefore, this Court directed the investigation officer to file an affidavit. The investigation officer expressed her unconditional apology, as she was wholly unaware of the grant of interim protection by this Court.

5. Since the arrest of the petitioner was in clear breach of the interim order passed by this Court, I granted interim bail to the petitioner and directed his release even without furnishing sureties. But then, the said view was taken on account of the breach of the interim order granted by this Court. However, while disposing the criminal original petition on merits, I am of the view that the petitioner is not entitled to any indulgence.

6. The petitioner's counsel would claim that the petitioner is suffering from HIV. But then, that is no excuse for committing a crime. Since the allegations made against the petitioner are serious, I am not inclined to grant any relief to the petitioner.

7. The criminal original petition stands dismissed.

sd/-
20/01/2020

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

TO

- 1 THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT
- 2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.



3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.S.S.RAMKUMAR, Advocate (SR-953[I] dated 20/01/2020)

ORDER

IN

CRL OP(MD) No.19600 of 2019

Date :20/01/2020

PMU

ES/PN/SAR 2/23.01.2020/3P/5C