

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6193 of 2021

1. Annadurai
2. Pushpa
3. Aswinkumar

... Petitioners

Vs.

The State Rep by,
Inspector of Police,
Crime Branch,
Podanur Police Station,
Coimbatore.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge these petitioners in the event of their arrest or on their appearance before any court in connection with the case in Crime No.Not known of 2021 pending investigation on the file of the respondent police herein.

For Petitioners : Mr.R.C.Paul Kanagaraaj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC in Crime No.Not Known of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.09.2020, the first petitioner being the husband of the second petitioner and the father of the third petitioner have pledged 274 grams of jewels to the defacto complainant and borrowed a loan amount of 11,39,000/-. Due to the Covid-19 pandemic, the petitioners have not repaid the loan amount. The defacto complainant wanted to auction the jewels pledged by the petitioners, as it would not be sufficient and adequate for the loan borrowed by the petitioners, the defacto complainant lodged a complaint against these petitioners before the respondent police.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners pledged jewels weighing 274 gms, but the defacto complainant issued receipt mentioning the weight of jewels pledged by the petitioners as 246 gms, less by 28 gms. He further submits that the dispute is purely civil in nature. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that on 07.09.2020, the petitioners borrowed Rs.11,39,000/- by pledging the jewels and later they have failed to repay the same. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case , this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VII, Coimbatore on condition that each of the the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(b) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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/-

15/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.VII, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 INSPECTOR OF POLICE, CRIME BRANCH,
PODANUR POLICE STATION, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CRL OP.6193/2021

Date :15/06/2021

RVR 09/07/2021

WEB COPY