



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16341 of 2021

1 SUBASH SANKLA
2 S.MAHESHKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE.
(IN CRIME NO. 38 OF 2018

[RESPONDENT]

For Petitioner : M/S. V.MURUGESAN Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 409 and 420 I.P.C in Cr.No.38 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have collected 892 grams of gold jewels for the business from the De-facto complainant and returned only 281 grams of gold jewels to the De-facto Complainant. The remaining jewels are yet to be received by the De-facto Complainant. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further he submitted that on an earlier occasion, the petitioners have already



moved an application seeking anticipatory bail in CrI.O.P.No.19068 of 2018 and the same was granted by this Court on 23.08.2018. The De-facto Complainant brought to the notice of this Court that the condition imposed in the anticipatory bail application was not complied by the petitioners hence he filed a petition seeking cancellation of anticipatory bail in CrI.O.P. No.20849 of 2019 and the same was allowed by this Court on 06.09.2021. Therefore the present petition seeking anticipatory bail is filed before this court and he prays for grant of anticipatory bail. However, on instructions, he further submitted that the petitioners, on their own volition, without prejudice to their rights, are ready to deposit a sum of Rs.10,00,000/- to the De-facto Complainant.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases against the petitioners. He strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and taking into consideration the submission made by the counsel for the petitioners that without prejudice to their rights the petitioners are ready to pay a sum of Rs.10,00,000/- to the De-facto Complainant, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they 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-I, Coimbatore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the defacto complainant by way of demand draft without prejudice to their defence before the trial Court and the concerned Magistrate, shall accept the sureties furnished by the petitioners on production of acknowledgement as to the said payment to the defacto complainant;

(c)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;



(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;

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

-sd/-

09/09/2021

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.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE.

+1 CC to M/S. V.MURUGESAN Advocate on payment of necessary charges SR.NO.9895

CRL OP.16341/2021

Date :09/09/2021

RW 23/09/2021