



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14645 of 2021

1 PARTHASARATHY
2 DIWAKARAN
3 KRISHNAPRABU

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INPSECTOR OF POLICE,
E-1, SINGANALLUR POLICE STATION,
COIMBATORE
CR NO. 621/2021

[RESPONDENT]

For Petitioner : M/S.A.P.SATHIYAMURTHY Advocate

For Respondent : Mr.C.E.Pratap Government 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 IPC in Cr.No.621 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the General Manager of Geo VPL, Finance Pvt. Ltd, the 2nd and 3rd petitioners are the employees of the said company. It is alleged that the defacto complainant pledged his jewels to the said Finance Private Limited and obtained a loan of Rs.9,00,000/-. Thereafter, Al along with other accused persons re-pledge the jewels in the Muthoot Finance and Manapuram Finance and when the same was questioned by the defacto complainant, he was threatened by the accused persons. Hence he lodged a complaint before the law enforcing agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further if the defacto complainant settle his debts, the petitioners will return all his pledged jewels and hence prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases pending against the petitioners.

5. This Court is of the opinion that if the defacto complainant pays the loan amount of Rs.9 lakhs, the petitioners will return the jewels back to the defacto complainant and further considering the facts and circumstances of the case, 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.III, 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) the petitioners shall return the jewels after repayment of entire debts by the defacto complainant, with a reasonable interest at the rate of 6%.

(b) 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;

(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.

WEB COPY

-sd/-

16/08/2021

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.III, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INPSECTOR OF POLICE,
E-1, SINGANALLUR POLICE STATION,
COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.P.SATHIYAMURTHY Advocate on payment of necessary charges Sr.8589

CRL OP.14645/2021

Date :16/08/2021

RVR 19/08/2021