

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.18829 of 2020

1. Arunan Pushpakumar Gnanamani ... Petitioners
2. Ganesan
3. Jeevaindiraharikaran

-Vs-

State Represented by ... Respondent
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.1367 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.1367 of 2020 on the file of the respondent police.

For Petitioners: Mr.A.Gokulakrishnan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence punishable under Section 420 of IPC, in Crime No.1367 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant running a jewellery shop and the petitioners are employees in the jewellery shop, and all the petitioners are said to have misappropriated jewels and money from the shop to the tune of Rs.80,00,000/-. Hence the complaint was registered.

3. The learned Counsel for the petitioner submitted that the petitioners are the erstwhile employees of the defacto complainant and the petitioners are not involving in the crime, due to personal enmity a false complaint has been filed against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the defacto complainant was running a jewellery shop and the petitioners are employed in the jewellery shop, where they have misappropriated jewels and money to the tune of Rs.80,00,000/-. He would further submit that the investigation is yet to be completed. He would further submit that there is no allegation is pending as against these petitioners.

5. Considering the facts and circumstances of the case, that the petitioners are the erstwhile employees of the shop of the defacto complainant and there is no specific overt act attributed against these petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the Judicial Magistrate, Uthangarai, on condition that the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 petitioners shall report before the respondent Police 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/03/2021

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,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.A.GOKULAKRISHNAN Advocate on payment of necessary charges SR NO. 3134

सत्यमेव जयते

CRL OP.18829/2020

Date :09/03/2021

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