



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19441 of 2021

S.SENTHILKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CCIW, SALEM.
CRIME NO.2/2021.

[RESPONDENT]

For Petitioner : M/S. R.NALLIYAPPAN Advocate

For Respondent : M/S.A.GOKULAKRISHNAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408 and 420 of IPC., in Crime No.2 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner used to pledge jewels and obtain loan from the de-facto complainant's bank. Later it was found that the jewels, which were pledged, are fake. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner, without prejudice to his defence and contentions, on his own volition, is ready to deposit a sum of Rs.3,00,000/- (Rupees three lakhs) to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that there are totally 25 accused in this case and this petitioner is arrayed as A-13. He further submitted that this petitioner approached the bank in the guise of a customer and colluded with other accused and pledged jewels which were found to be not gold and obtained loan thereby causing loss to the bank. Even though a case was registered for the offences under Sections 420 and 408 IPC, Section 120(B) of IPC was included later. He also submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioner and the petitioner is ready to deposit a sum of Rs.3,00,000/- (Rupees three lakhs) to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.IV, Salem, within a period of fifteen days from the date on which the order copy is made ready, on condition that the petitioner shall execute a 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.2 of 2021 before the learned Judicial Magistrate No.IV, Salem, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence in the case.

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate No.IV, Salem, may obtain a copy of their Aadhar card or Voter Identity card or Driving License or PAN card or Bank Pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

(d) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



(f) 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 petitioner 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;

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

-sd/-

12/10/2021

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.IV, SALEM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCIW, SALEM.

CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary charges

CRL OP.19441/2021

Date :12/10/2021

RW 18/10/2021