



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21703 of 2021

1.Annachi @ Periyasamy ..Petitioners
2.Vijayakumar
3.Bharanidharan
4.Jegan @ Jeganathan

Vs.

State Rep. By .. Respondent
The Inspector of Police
Omalur Police Station
Omalur, Salem
(Crime No.808 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.808 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Panneerselvan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 03.11.2021 for the offences under Sections 406, 417, 419, 420, 170, 395 IPC in Crime No.808 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is the resident of Thiruvannamalai and he is a Gold Smith. The 1st petitioner and the defcato complainant are known to each other. While so, the petitioners along with two other accused, swindled a sum of Rs.15 lakhs from the defacto complainant under the guise of giving gold in less price of Rs.300/- per gram. Hence, the complaint.



3. The learned counsel for the petitioners would submit that due to money transaction with regard to purchase of gold articles, there was a dispute between the parties due to which, the petitioners have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for about 16 days from 03.11.2021. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the petitioners are arrayed as A1, A2, A5 and A6 and the total amount involved is Rs.15 lakhs. However, he would admit that nearly a sum of Rs.13 lakhs have been recovered so far and the investigation is almost completed.

5. Considering the fact that nearly a sum of Rs.13 lakhs have been recovered and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Omalur, and on further conditions that:

(a) the sureties shall affix their 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, on every Tuesday and Saturday at 10.30 a.m. until further orders.

(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]; and;



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

WEB COPY

-sd/-
19/11/2021

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,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
OMALUR, SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.PANNEERSELVAN Advocate on payment of necessary charges SR.NO.13018

CRL OP.21703/2021

Date :19/11/2021

CSK 22/11/2021