



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23617 of 2021

1.Durga Devi
2.Mohan Raja
3.Prakash Raja

... Petitioners

Versus

State represented by
The Inspector of Police,
H-3, Maraimalai Nagar Police Station,
Chengalpet District.
(Crime No.844 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with in Crime No.844 of 2021 on the file of the respondent H-3, Maraimalai Nagar Police Station, Chengalpet District.

For Petitioners : Mr.P.Kalimuthu

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 454, 380 of IPC in Crime No.844 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 06.08.2021 a theft had taken place at No.75, South Yark Street, VGN Kattankolathur, Chengalpattu District and gold & Silver ornaments worth about Rs.1,00,000/- were found to have been stolen in the complainant's house, the accused had given the confession statements before the respondent that these petitioners received the stolen properties from A1. The 1st petitioner is doing business of pawn broker of "MRD Pawn Broker" at Door No.1, Peravallur Foxen Street, Peruvallur Revenue Village, Ayanavaram Taluk Chennai after obtaining necessary license



under Section 4(4) of Tamil Nadu Pawn Brokers Act. While so, three months ago the petitioners have returned jewels worth of 4 1/2 sovereigns even though in reality the said jewels were not pledged with the petitioners directly and the petitioners got the said jewels for re-pledging based on the payment remitted by the petitioners to ESAF Bank. 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 they have been falsely implicated in this case. He further submitted that they running Pawn Broker for getting license for that they produce documents also. The petitioners also drawn attention of the Court they gave a complaint to the police with regard to violation of right before Higher Right Commission the respondent police alleged so many complaints against them, which needs detailed investigation. But no property was recovered they are having proper license. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that those facts are accepted. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate No.2, Chengalput on condition that the petitioners 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 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 1st petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and the petitioners 2 and 3 shall appear before the Trial Court regularly and co-operate for investigation;

(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.

-sd/-

14/12/2021

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.II, CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
H-3, MARAIMALAI NAGAR POLICE STATION,
CHENGALPAT DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges SR.NO.14847

CRL OP.23617/2021

Date :14/12/2021

JPA 17/12/2021