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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23865 of 2021

1.Hariharan  
2.B.Priyadharshini

... Petitioners

Versus

State Rep by  
The Inspector of Police,  
Variety Hall Road,  
Coimbatore City  
(Crime No.472 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.472 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Saikrishnan

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under section 406 and 420 of IPC, in Crime No.472 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that A1 is doing business by having fold jewels manufacturing workshop by engaging his wife to take care of the business affairs, who is A2 herein and also employed 30 persons as workmen in the workshop. It is alleged that the defacto complainant started to have business deal with the accused persons. While so, on 09.10.2017 the defacto complainant handed over gold biscuits of 520 gram value of Rs.15,99,000/- and again on 11.10.2017, over another 419.023gram of gold value about Rs.12,88,425/-. It is said to be that the present market value of the total 939.023 gram is said to be Rs.46,20,000/-. Thereby the petitioners have not returned the jewels to the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioner also filed an Insolvency Petition in I.P.No.7 of 2018 before the Hon'ble Additional Sub Ordinate Judge, Coimbatore, wherein the defacto complainant is the 1st respondent. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that investigation almost completed and the alleged occurrence is said to be happened in the year 2017. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the Insolvency petition, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No V, Coimbatore on condition that the petitioners shall execute a bond for 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 petitioners and 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 petitioner/A1 is directed to appear before the respondent police on every Tuesday and Friday at 10.30.a.m., and the petitioner/A2 is directed to appear as and when required.

[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.

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-sd/-

10/12/2021

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-V,  
COIMBATORE.

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

3 THE INSPECTOR OF POLICE,  
VARIETY HALL ROAD,  
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S. T.SAIKRISHNAN Advocate on payment of necessary charges SR.NO.14525

CRL OP.23865/2021

Date :10/12/2021

CSK 16/12/2021