



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

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

Crl.O.P.No.24518 of 2021

Ravi Kumar

... Petitioner/Accused 14

Vs.

The Inspector of Police,
CCIW,
Salem.
(Crime No.2 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.2 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Jeyakumar

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

O R D E R

The petitioner who was apprehend arrest for the alleged offence under Section 408 and 420 of IPC in Crime No.2 of 2021, on the file of the respondent police, seeks anticipatory bail.

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

3. The learned counsel appearing for the petitioner submits 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.75,000/- to the credit of crime number. Hence, he prayed for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) raised objection by stating that there are totally 25 accused in this case and this petitioner is arrayed A-14. 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 offence under Section 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 opposed for granting 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.75,000/- 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 anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-IV, Salem, on condition that the petitioner shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.75,000/- 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.

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or 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 petitioners released on anticipatory 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/-

16/12/2021

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CCIW, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.24518/2021

Date :16/12/2021

RW 27/12/2021