



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1639 of 2021

V.Gopalakrishnan

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
Crime No.1442/2020.

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandian,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

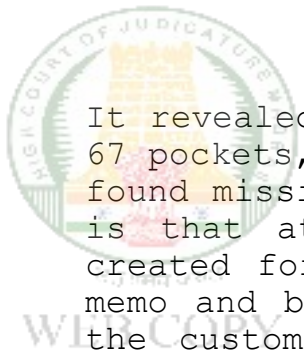
For Anticipatory Bail in Crime No.1442 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 409, 468 and 471 of I.P.C., in Crime No.1442 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that a complaint was received from the Regional Manager, Bank of Baroda, North Veli Street, Madurai, stating that during internal verification done on 07.11.2020 revealed that jewels were missing and that Al/M.Hariharapurhuran, who is employed as Jewel Assessor for the past three years, is responsible for the verification of the jewels.



It revealed that 73 items of jewels weighing 2162.04 grams found in 67 pockets, worth about Rs.1,03,79,954/- deposited by the public was found missing. The modus operandi adopted by the A1/Jewel Assessor is that at the time of renewal of jewel loan accounts, he had created forged loan documents with two sets of different appraisal memo and by stealing one or two articles from the jewel pocket of the customer. Some of the jewels have been re-pledged in other banks and some have been sold. A1 was able to do in connivance and assistance with the bank officials, who is the petitioner herein and others.

4. It is seen that the petitioner was employed as Clerk in Bank of Baroda. He has been transferred to Regional Office on 28.07.2019. The period of offence is between June 2019 to November 2020. The petitioner had served in the office of the defacto complainant during the months of June and July. The petitioner is not an officer, who had granted or approved jewel loans.

5. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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 to 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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



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

sd/-
19/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1639 of 2021
Date :19/03/2021

IAS
TK/JC/SAR.2/23.03.2021/3P/5C