



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17768 of 2021

M.Rajalingam, ... Petitioner/Accused NO.1

Vs

State Rep. By
The Inspector of Police,
Thiruverambur Police Station,
Thiruverambur, Trichy District.
(Crime No.05 of 2018). ... Respondent/Complainant

For Petitioner : M/s.Sankara Pandian J,
Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

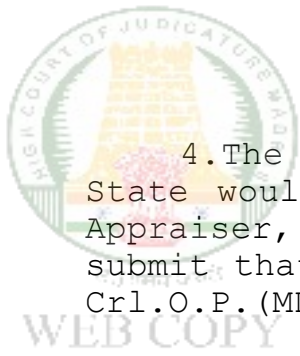
For Anticipatory Bail in Crime No.05 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(ii) I.P.C., in Cr.No.5 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein was working as Jewel Appraiser in the City Union Bank, Kaatoor Branch, Trichy District and he pledged spurious jewels in the name of A.2 and A.3 and availed jewel loan for a sum of Rs.4,15,000/-. Thereafter, it was found that the jewels pledged by A.2 and A.3 are spurious in nature. Hence, the present complaint.

<https://hcservices.courts.gov.in/hcservices>
3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the State would submit that while the petitioner was working as Jewel Appraiser, the alleged occurrence was happened. He would further submit that earlier the petitioner was granted anticipatory bail in Crl.O.P.(MD)No.10633 of 2020, dated 02.12.2020.

5. It is not in dispute that the petitioner has already been granted anticipatory bail in Crl.O.P.(MD)No.10633 of 2020, dated 02.12.2020. Subsequently, at his instance, time was granted for a period of two weeks, vide order dated 22.03.2021 and that subsequently, the petitioner has filed another application seeking extension of time stating that he could not be able to contact the officials for getting the surety certificate due to election at that time and also the fact that the petitioner was suffering from COVID-19, this Court has passed an order dated 22.10.2021 dismissing the said petition by granting liberty to file a fresh petition seeking anticipatory bail. In pursuance of the said order passed by this Court, this Criminal Original Petition came to be filed.

6. The learned Counsel for the petitioner would submit that as per the earlier of this Court, he has deposited a sum of Rs.2,00,000/- to the credit of Cr.No.5 of 2018 before the learned Judicial Magistrate No.VI, Trichirappalli.

7. Considering the above facts and circumstances of the case and also the fact that the petitioner has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, Trichy District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 daily at 10.30a.m., for period of one month and thereafter 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 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/-
16/11/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSL

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.IV, TRICHY.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIRUVERAMBUR POLICE STATION, THIRUVERAMBUR,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17768 of 2021
Date :16/11/2021