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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2281 of 2022

1.Vijaya  
2.A.Arunkumar

...Petitioners

Versus

State represented by  
The Inspector of Police (Criminal Division)  
B-1, North Beach Police Station,  
Chennai-600 001.  
**(\*) (Crime No.7 of 2022)**

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in **(\*) (Crime No.7 of 2022)** pending on the file of the respondent police.

For Petitioners : Mr.K.Subramanian

For Respondent : Mr.N.S.Suganthan,  
Government Advocate (Crl. Side)  
[Crl.O.P.No.2281/2022]

MR.L.Baskaran,  
Govt. Advocate (Crl. Side)  
[CrL.MP.No.1962/2022]

For Intervenor : Mr.Rajesh

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences **(\*)under Section 379 of IPC** in **(\*) (Crime No.7 of 2022)**, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner was working as 'D' cadre staff, now working as Post Master, Personal Assistant and Supervisor in Delivery Section at Head Post Officer, Rajaji Salai, Chennai. The 2nd petitioner is the retired clerk in Post Office at Anna Salai, Chennai. Based upon that the defacto complainant having some ill motive due to their forth coming she gave a complaint. Hence this 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 the 1st petitioner was working as 'D' cadre staff, now working as Post Master, Personal Assistant and Supervisor in Delivery Section at Head Post Officer, Rajaji Salai, Chennai. Admittedly, the defacto complainant also employee as clerk in the Tamil Nadu Circle Postal Co-operative Bank Limited, Chennai. Already the 2nd petitioner held the post of President in the Tamil Nadu Circle Co-operative Bank Limited, Chennai in the year 2013. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that 164 statement recorded, that the petitioners were already employees of the Postal Department, so it they released on bail they will not absconding. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor raised objection stating that on the date of Ayudha Pooja Celebration was celebrated at Head Post Office, Rajaji Salai, Chennai on 13.10.2021 the petitioner also attended and the defacto complainant also attended the function. After the function the defacto complainant had left the place and on that place started shouted the defacto complainant's gold chain with diamond was found missing.

6. Considering the facts and circumstances of the case, now at the time of argument this Court clarified with the prosecution whether any video footage was handed over the Investigating Agency with regard to the gold chain at the time of Ayudha Pooja Festival, they replied that no CCTV Footage on that day, considering that investigating is almost completed.

7. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned VII Metropolitan Magistrate, George Town, Chennai District, 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;



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(b) the petitioners shall report before the respondent police on every Tuesday at 10.30 a.m., until further orders and the petitioners shall 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/-  
03/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

**(\*) AMENDED AS PER ORDER OF THIS COURT DATED 28/02/2022 MADE IN CRL.MP.No.1962 OF 2022 IN CRL.O.P.NO.2281 OF 2022**

TO

1 THE VII METROPOLITAN MAGISTRATE,  
GEORGE TOWN, CHENNAI DISTRICT.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE  
(CRIMINAL DIVISION)  
B-1, NORTH BENCH POLICE STATION,  
CHENNAI-600 001.

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+1 CC to M.K.SUBRAMANIAN Advocate on payment of necessary  
charges SR.NO.3116

CRL OP.2281/2022

Date :03/02/2022

TA-11/02/2022

JPA 08/03/2022