



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11564 of 2022

R.VENKATESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
T.NAGAR, CHENNAI-17
CRIME NO.26 OF 2022

[RESPONDENT]

For Petitioner : M/S.S.RAMAJAYAM Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 381 of IPC in Crime No.26 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner worked as a Order Section incharge in Sri Kuamaran Gold Jewellery shop at Velachery from the year 2015 to 2017. On 16.012.2017, the management of the said Jewellery conducted counter check and found that 643 grams of gold jewels were missing in the shop. Thereafter, the management of the shop came to know that the above said gold jewels were stolen by Senthil Kumar/A1, who in turn sold it to one Venakatesh/A2. Then, both of them confessed crime and were ready to pay a sum of Rs.20,74,162/-. Thereafter, they paid only 7,74,829 and failed to pay the remaining amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that one Senthil Kumar who arrayed as A1 who is working as sales manager in the Defacto complainant's Jewellery shop had stolen 643 grams of gold in the above said jewellery from the year 2015 to 2017 who in turn sold it to the petitioner/Venakatesh/A2 . Thereafter, both of them confessed and settled the entire amount, after five years the present case has been registered against the petitioner in



crime No.26 of 2022. According to the petitioner he had paid double the amount of worth of jewellery and even then the defacto complainant after a period of five years lodged the present complaint. Hence, he prays for anticipatory bail.

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4. The learned Additional Public Prosecutor would submit that, so far, both the accused persons had paid a sum of Rs.10,00,000/- to the defacto complainant and remaining amount is pending from the accused persons.

5. Considering the facts and circumstances of the case, this Court is 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks 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 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2022

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 IX METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
T.NAGAR, CHENNAI-17

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.RAMAJAYAM Advocate on payment of necessary charges
Sr.7350

CRL OP.11564/2022

Date :19/05/2022

RVR 25/05/2022