



Crl.O.P.No.16876 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 464, 465, 466, 467, 409, 419, 406, 420, 120B of IPC in Crime No.569 of 2022, seeks anticipatory bail.

2. The case of the petitioner is that due to financial constrain, the petitioner used to avail jewel loan from the defacto complainant/Muthoot Finance from the year 2013 at Pallikaranai Branch. The petitioner had pledged the following volume of jewels and is maintaining the following loan accounts with the defacto complainant ;

<i>Sl.No</i>	<i>Loan Account No.</i>	<i>Weight of jewels pledged with the defacto complainant</i>	<i>Principal amount in Rupees</i>	<i>Total outstanding amount as on date in Rupees</i>
1.	2206/MSL/10865	811.5	29,05,900	37,32,572
2.	2206/MSL/10859	52	1,86,200	2,43,458
3.	2206/MHP/108	89	3,10,000	4,03,804
4.	2206/MSL/11308	256.9	9,01,200	11,71,924
5.	2206/MSL/11330	50.2	1,75,000	2,27,639
6.	2206/MSL/11331	19.90	69,100	92,186
7.	2206/MSL/11332	42.7	1,48,900	1,93,702
8.	2206/MSL/11799	74.4	2,38,900	2,75,212
9.	2206/SRS/73	63.7	2,10,900	2,37,356
10.	2206/SRS/135	33	1,09,900	1,17,869
11.	2206/SRS/137	24.3	80,900	86,766



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Apart from the above mentioned accounts and jewels, the petitioner had also pledged jewels weighing a gross weight of 72 grams and net weight of 64 grams with the defacto complainant on 09.05.2022. But it is submitted that the details regarding the said loan on 09.05.2022 is neither updated in the official mobile app of the defacto complainant nor a hard copy of the statement pertaining to the loan account created on 09.05.2022 was given to the petitioner.

3. The case of the prosecution is that there are totally nine accused, in which the petitioner is arrayed as A7. The petitioner has re-pledged the jewel weighing 900 grams worth about Rs.5,00,000/-. To redeem the jewels, which is not accounted.

4. However, the learned Government Advocate (Criminal Side) would submit that the petitioner is one of the accused, sofar as the petitioner is concerned, he cheated a sum of Rs.15,00,000/-. However, it is seen that the petitioner's jewel was already pledged in the finance company. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Alandur, 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 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 report 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



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during investigation or trial.

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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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