



Crl.O.P.No.18464 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 420 and 464 of IPC in Crime No. 70 of 2022, seeks anticipatory bail.

2. The case of the petitioner is that the petitioner worked in Kalyan Jewellers India Ltd at various places in Tamil Nadu. In that Jewel mart, very serious malpractices are taking place to cheat customers by using the staff. The petitioner/accused gave e-mail to Managing Director of Kalyan Jewellers about malpractices going on in Kalyan Jewellers. On the basis of the complaint, while several staff members have been transferred, another set of staff members were terminated. Therefore, the managerial staff and other staff turned against the petitioner. The petitioner decided to join some other company and submitted resignation and claimed retirement benefits. In the mean time, the management of Kalyan Jewellers sent an e-mail stating that the services of the petitioner has been terminated. The petitioner requested



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the management to settle the retirement benefits. Instead of settling the retirement benefits, the management and the managerial staff are trying to implicate the petitioner in this case. According to the petitioner, this false case is only to prevent the petitioner from joining in other rival Jewelry mart and to deny the retirement benefits of the petitioner.

3. The case of the prosecution is that the petitioner was working as a Branch Manager, in one of the branch of Kalyan Jewelers and he collected money to the tune of Rs.3,00,000/- and issued forged documents. Hence, the complaint.

4. The learned Senior Counsel appearing for the petitioner submitted that the petitioner worked in Kalyan Jewellers. Whenever any scheme is launched by the defacto complainant, the money have been received from the customer only through online banking. After generating OTP number and the receipt will be issued. Therefore, there is absolutely no chance of money being received by the petitioner from the customer.

5. Even according to the prosecution, the amount they are collected by the petitioner had in turn been sent to the defacto



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complainant. That apart, the crime alleged took place in the year 2021 and therefore, custodial interrogation of the petitioner is not required.

6. Considering the above fact and circumstances of the case and custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Metropolitan Magistrate, Saidapet, Chennai, 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



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

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