



CrI.O.P.No.18682 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 384, 506(ii) of IPC, in Crime No.167 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are friends. There was a business transaction between the petitioners and the defacto complainant. It is alleged that the petitioners entered into the shop of the defacto complainant and threatened him at knife point and taken away the gold and platinum from the defacto complainant's shop. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are residents of Kerala. They have been running a business as partners in Dubai in the name and style of “Ashaya Gold Jewellery LLC”. They also used to supply jewelleries to the stores in Mumbai. The defacto complainant and his friends approached the petitioners herein for



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the purpose of dealing and as a result of the same, the petitioners had vested certain Kgs of jewels. Thereafter, they had shown to have sold certain jewels weighing 7760 gms apart from earlier gold weighing 1568 gms. However, they had swindled the same and remained in shades. He would further submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. Mr.P.Gunaraj, the learned counsel for the Intervener submitted that the defacto complainant never purchased any gold or platinum from the petitioners. They had purchased from S.M.Jewels, Mumbai. All the accused persons have entered into the premises of the defacto complainant and ransacked the shop and taken away the entire jewels, laptop and other electronic equipments.

5. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant had business transaction between them. Thereafter, the petitioners entered into the premises of the defacto complainant and taken away the jewels and other electronic equipments



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and also threatened the defacto complainant with dire consequences.

Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. It is seen that already the petitioners were granted anticipatory bail before the Court below and address of the petitioners were wrongly given. Therefore, they were not able to execute the sureties. Thereafter, they also appeared before the respondent under the notice issued under Section 41 A of Cr.P.C. During the enquiry, whatever the jewels which were alleged to have been taken by the petitioners were received and handed over to the defacto complainant.

7. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are 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 XVII Metropolitan Magistrate Court, Saidapet, Chennai-15, on condition that



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each of 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation.

[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]**.



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

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