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CrI.O.P.No.24499 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec.408 and 420 I.P.C. in Crime No.156 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a goldsmith and he collected 1200 grams of gold jewels from A1, who was working as supervisor with the defacto complainant's jewellery shop. He has diverted the gold jewels, which were not approved by Quality Control department meant to be supplied to the jewellery situated in Kerala State and under various stages, he has sold the same to the petitioner and few other goldsmiths. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that he is only a goldsmith and as the supervisor of



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Emerald Jewels Industry India Ltd., on various stages sold the gold to him and hence, he alone has committed some offence. He would submit that the petitioner is no way connected with the occurrence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that there is no previous case pending against the petitioner and the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees thirty thousand only) to the credit of Crime No. 156 of 2022** and on such deposit, the petitioner is ordered to be released on



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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 Judicial Magistrate-V, Coimbatore, 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 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 10.00 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness 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.

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