



Crl.O.P.No. 24898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.24898 of 2022

Amalraj

... Petitioner

Vs.

State by it's
INSPECTOR OF POLICE,
K-8, Arumbakkam Police Station,
Arumbakkam,
Chennai.
(Crime No.297 / 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.297 of 2022 on the file
of the Respondent.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



CrI.O.P.No. 24898 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.08.2022, for the offences punishable under Sections 342, 397 & 120(B) of IPC @ Sections 342, 395, 397, 412 & 414 of IPC, in Crime No.297 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Suresh, Branch Manager of FED Bank Financial Services Limited is that on 13.08.2022, at about 09.30 a.m., while he was in duty, two unknown persons aged about 25 to 30 years had trespassed into the Bank, threatened him and yet another staff, Vijayalakshmi with knife stating that “rj;jk; nghl;lhy; c';fs; fGj;jij mWj;J tpLntd;” and snatched the keys of the strong room and took away 31.700 Kgms of gold worth about Rupees 11 Crores, which were kept in 460 pouches belonging to 371 customers and thereafter, locked the room and left from the Bank. Originally, a case was registered for offence under Sections 342, 397 & 120(B) of IPC and thereafter, during the course of the investigation, it came to light that one of the staff of the Bank had conspired with the other accused and had indulged in the offence. In furtherance to the



CrI.O.P.No. 24898 of 2022

Crime, the main accused out of 31.700 Kgs of gold, have entrusted 6.325 Kgs with the petitioner for concealment herein. Thereafter, the case was transferred to the Assistant Commissioner of Police and the case was altered to one under Sections 342, 395, 397, 412 & 414 of IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been roped into this case, since, he happens to be the relative of A2, Santhosh Kumar. He would also submit that A2 had entrusted a bag and the petitioner had without knowing about the contents and the offence had received the package from A2. Thereafter, coming to know about the offence and the registration of the case, the petitioner had handed over the bag to the respondent police on 17.08.2022 vide a production memo and it is also reflected in the case diary. Subsequently, the petitioner was implicated in this case as if he is the person, who had helped the other accused in concealment of the contraband. He would further submit that the petitioner is a Police Inspector with 20 years of unblemished service and he has never been brought any adverse notice so far. He would also state that other than the allegation of receiving the stolen



CrI.O.P.No. 24898 of 2022

property, there is no allegation of involvement in the offence of robbery. He would further state that the petitioner is in custody from 19.08.2022 and the major part of the investigation is over. He would also submit that the petitioner has now been suspended from the service and there is no chances of the petitioner absconding and interfering with the investigation. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police would submit that it is the case of day light robbery committed in the midst of busy locality and one of the accused who was working in the Bank had conspired with the other accused, pursuant to which, the other accused had trespassed into the Bank and by threatening the Manager and other staff with knife and snatched the keys of the strong room and took away 31.700 Kgms of gold worth about Rupees 11 Crores, which were kept in 460 pouches belonging to 371 customers and thereafter, locked the room and left from the Bank. He would further submit that the petitioner is the close relative of A2, who has received the part of the booty from A1 and had concealed it in his house. He would also submit that the petitioner



Crl.O.P.No. 24898 of 2022

being the person from the Uniformed Service has the duty to inform the offence to the Police. Whereas, the petitioner handed over the booty, only later during the course of investigation, after the investigation Agency found that there was telephonic conversation between the petitioner and the other accused with regard to the alleged offence. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record..

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and that the allegation against the petitioner is that he has only received the booty and concealed it with him and also taking note of the fact that the petitioner all along had an unblemished service of 20 years, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail



CrI.O.P.No. 24898 of 2022

on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions 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 10.30 a.m., and 05.30 p.m., for a period of two weeks and thereafter, appear before the respondent as and when required for investigation;

[c] the petitioner shall furnish the mobile number to the Investigation Officer and he shall be present whenever call upon for enquiry;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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CrI.O.P.No. 24898 of 2022

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];***

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

14.10.2022

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-8, Arumbakkam Police Station,
Arumbakkam,
Chennai.
3. The Sub Jail,
Saidapet, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No. 24898 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No. 24898 of 2022

14.10.2022