



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18700 of 2022

Pitchaiah

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No.15/2022).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

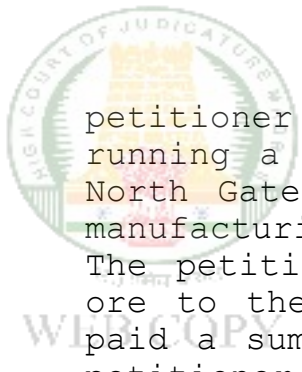
PRAYER :- For Anticipatory Bail in Crime No.15/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 IPC, in Cr.No.15 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant running a jewellery shop namely, 'Avatar Jewellers' at West Car Street, Tirunelveli. The brother of the petitioner namely, Selvam doing business of selling gold ore to the jewellery shops. The petitioner, petitioner's sister and the above said brother Selvam's wife are also doing the said business along with Selvam. On 19.05.2022, the defacto complainant transferred Rs.25,00,000/- to the Selvam/Al's account and on 20.05.2022, gave a sum of Rs.55,00,000/- cash to the Selvam's wife and his sister. After receiving the total amount of Rs.80,00,000/-, the above said Selvam, the petitioner and the other accused did not sell gold ore weighing about 1 ½ Kg. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that as mentioned above, the



petitioner was not doing jewellery business. The petitioner is running a business in the name and style of 'Solomon Traders' at North Gate, Suthamalli, Tirunelveli District and he is engaged in manufacturing and selling of sweets and snacks of Tirunelveli City. The petitioner's brother Selvam is doing business of selling gold ore to the jewellery shop. On 19.05.2022, the defacto complainant paid a sum of Rs.25,00,000/- to the bank account of Selvam. The petitioner has not received any amount from the defacto complainant. The petitioner is being the brother of A1, he was implicated in this case and he is ready to co-operate with the Investigating Officer to complete the investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that A1 was arrested and still in custody. A3 already filed a petition for anticipatory bail before this Court and the same was dismissed. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner's williness to co-operate with the Investigating Officer to complete the investigation, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

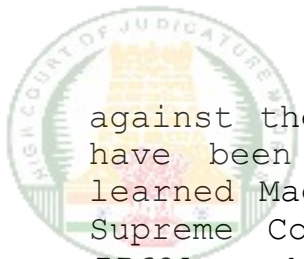
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/11/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.12488

ORDER

IN

CRL OP(MD) No.18700 of 2022

Date : 04/11/2022

DSS

SA/TR/SAR.2/14.11.2022/3P/6C