



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19976 of 2022

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1. Chitra @ Ramachitra

2. Kannan @ Thangam ... Petitioners/Accused 4 & 5

Vs

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

... Respondent/Complainant

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

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

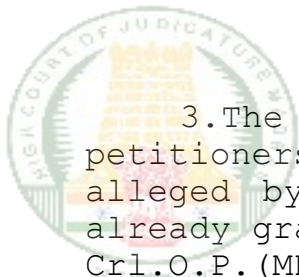
PRAYER :-

For Anticipatory Bail in Cr No.15 of 2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 420
IPC, in Crime No.15 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant
running a jewelry shop namely, 'Avatar Jewellers' at West Car
Street, Tirunelveli. The brother of the second petitioner, namely,
Selvam/A1 doing business of selling gold bar to the jewelry shops.
The petitioners, A1's wife and the second petitioner's brother
Pichaiah are also doing the said business along with A1. On
19.05.2022, the de-facto complainant transferred Rs.25,00,000/- to
A1 account and on 20.05.2022, gave a sum of
Rs.55,00,000/- by cash to A1's wife and his sister. After receiving
the total amount of Rs.80,00,000/-, the A1 along with the
petitioners and other accused did not give gold bar weighing about 1
½ kg and also cheated the de-facto complainant. Hence, the
complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that A2 was already granted anticipatory bail by this Court, dated 04.11.2022 in Crl.O.P.(MD)No.18700 of 2022. Hence, he prays for anticipatory bail.

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4.The learned Additional Public Prosecutor would submit that the petitioners along with other accused received a sum of Rs.80,00,000/- from the de-facto complainant for selling gold bar and thereafter, they did not give gold bar and cheated the de-facto complainant. Hence, he strongly opposed to grant anticipatory bail.

5.At this juncture, the learned counsel for the petitioners seeks permission of this Court to not press this petition insofar as the first petitioner/A4 is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as not pressed as against the first petitioner/A4.

6.Considering the facts and circumstances of the case and also considering the facts that there is no specific allegation against the second petitioner/A5 and A2 was already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their 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 second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail. The learned Magistrate/Trial Court himself as laid down by



the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** **AIR SCW 5560**; and;

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

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25/11/2022

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/12/2022

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

SJI

TO

1. The Judicial Magistrate No.I, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli 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.T.LENIN KUMAR, Advocate (SR-13808[I] dated
28/11/2022)

ORDER
IN
CRL OP(MD) No.19976 of 2022
Date :25/11/2022

RD/BUC/SAR-II(07/12/2022) 3P 6C