



Crl.OP.No.5375 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.421 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Bhangaj Jain is that, he is running a Pawn Broker Shop. The accused by pledging the spurious and fake jewels and have received a sum of Rs.1,77,000/- and cheated. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated as an accused in this case, based on the confession statement recorded from one Maalic, who is the person who had pledged the fake jewels. He would further submit that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that



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the petitioner is the person, who handed over the fake jewels to said Maalic and the said Maalic has pledged the same and received the amount of Rs.1,77,000/-. He would further submit that the petitioner has got one previous case similar in nature, registered in Crime No.55 of 2022 before the D4 - Rajamangalam Police Station. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is an innocent person and without prejudice to his defence, he is ready and willing to deposit a sum of Rs.75,000/- to the credit of Crime No.421 of 2022 to prove his bonafide.

6. Heard the learned counsel and perused the materials available on record including the documents filed along with the petition.

7. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of three days from the date on which the order copy made ready, before the *learned V Metropolitan Magistrate, Egmore*, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 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 deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)** to the credit of Crime No.421 of 2022, within a period of three weeks from the date on which the order copy made ready.

[c] the petitioner shall report before the respondent police on every day at 10.30 a.m until further orders.

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



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during investigation or trial.

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[e] the petitioner shall not abscond either during investigation or trial.

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

13.03.2023

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