



Crl.O.P.No.10990 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409 and 34 of IPC, in Crime No.10 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sandeep Sharma, Zonal Manager, UCO Bank, Hyderabad is that one Vissapragada SSR Srikanth who was working in a Bank has committed suicide on 11.10.2022 and after receiving the information, they have conducted inspection in the Bank through other staff and during inspection, it was found there was shortage of cash for a sum of Rs.29 lakhs and jewels were also missing. Thereafter, it was found gold that was pledged in the Bank was also missing and the jewels pledged on behalf of the petitioners, were also found missing. Hence, the case.



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3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are innocent customers in the Bank and they have availed loan by mortgaging 248 gms of gold in the Bank and the entire loan amount was credited to the account of the second petitioner and the amount has also been withdrawn. Now, the Manager has committed suicide and since the gold belonging to the petitioners were found missing, they have been unnecessarily roped in the transactions. He further submitted that there are documents to prove that gold was mortgaged in the Bank. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are the customers in the Bank and they have colluded with the Manager of the Bank and without mortgaging gold they have taken loan from the Bank and later without mortgaging and without any proper documentation they have been given



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loan for a sum of Rs.8 lakhs. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on records.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on 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, Yanam, Puducherry**, on condition that the petitioner shall execute a separate 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



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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

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