



Crl.O.P.No.27272 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner/A2 in Crime No.180 of 2023 registered by the Respondent for the offence under Section 381 IPC, seeks anticipatory bail.

2. The learned Government Advocate (Criminal Side) stated that the Accused A1, was working in Muthoot Finance and had control over the lockers wherein the jewels were kept by various customers. The Petitioner herein is doing gold business.

3. It is the contention of the learned counsel for the Petitioner that the Petitioner had handed over a sum of Rs.3,80,000/- to the 1st Accused for purchase of gold. The 1st Accused, had stolen gold from the lockers kept and had handed it over to the Petitioner herein. The Petitioner thus became the receiver of stolen property. The Accused A1 had been arrested but since the final report had not been filed, he had the benefit of Section 167(2) of Code of Criminal Procedure and was released.



Crl.O.P.No.27272 of 2023

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4. It is clear that the Accused A1 had played around with pledged gold jewels of various customers. The learned counsel for the Petitioner proclaimed innocence and stated that the Petitioner did not know the gold which had been given, was actually a stolen property.

5. Be that as it may, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions that by directing **the Petitioner to deposit a sum of Rs.1,00,000/- to the credit of Crime No.180 of 2023 on or before 12.01.2024 and on such deposit, the learned XVII Metropolitan Magistrate Court at Saidapet may deposit Rs.50,000/- in fixed deposit which earns interest and identify the defacto complainant and hand over the balance amount of Rs.50,000/- to the defacto complainant. If the defacto complainant is not able to be identified, then that amount may also be kept in fixed deposit and final orders may be passed in respect of the amounts kept in the fixed deposit.** Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned XVII Metropolitan Magistrate Court, Saidapet,** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-



Crl.O.P.No.27272 of 2023

(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 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 report before the respondent daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.

[c] the Petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.180 of 2023 on or before 12.01.2024 and on such deposit, the learned XVII Metropolitan Magistrate Court at Saidapet may deposit Rs.50,000/- in fixed deposit which earns interest and identify the defacto complainant and hand over the balance amount of Rs.50,000/- to the defacto complainant. If the defacto complainant is not able to be identified, then that amount may also be kept in fixed deposit and final orders may be passed in respect of the



Crl.O.P.No.27272 of 2023

WEB COPY

amounts kept in the fixed deposit.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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]**.

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

07.12.2023

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Crl.O.P.No.27272 of 2023

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