



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

Date : 03/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2303 of 2023

Selvakumar

... Petitioner / Accused No.14

Vs

State Rep by
The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi District.
(Crime No.1 of 2023).

... Respondent / Complainant

For Petitioner : M/s.David Ganesan.J, Advocate.

For Respondent : Mr.P,Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.01 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A14, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 418, 406, 465, 468, 470, 471, 420 and 120(B) of I.P.C., in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant G.Sankarasubiramanian, Branch Manager of Indian Bank, Kulasekaranpattinam, Thoothukudi District, is that the first accused, namely Sudalai was working as an appraiser in the de-facto complainant's bank, during his period of employment, in collusion with A8 to A13, who were bank Managers during the relevant period and A2 to A7 customers of the bank had misappropriated 310.400 grams of gold jewels and disposed the same through the petitioner and A15, who are the jewellery shop owners. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is running a small jewellery shop and without understanding the background of the case, had received some jewels through the appraiser and other than that he has not committed any offence as alleged by the prosecution. He would further submit that even as per the complaint, the allegations are made as against only A1 to A7, namely, the appraiser and the customers and there is no specific allegations as against him. He would further submit that the petitioner has got a permanent residence and to show his *bona fides*, he is ready and willing to deposit original title deeds of his residential house worth of Rs.10,00,000/- to the credit of Crime No.1 of 2023 before the learned Judicial Magistrate No.IV, Thoothukudi. He would further submit that the petitioner's brother was earlier arrested and he has been granted anticipatory bail by this Court in Crl.O.P(MD)No.3736 of 2023, dated 27.02.2023.

4.The learned Government Advocate (Crl. side) would submit that the petitioner along with the appraiser and customers have cheated the bank to the tune of Rs.17,00,000/- and he would object for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

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

7.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 Judicial Magistrate No.IV, Thoothukudi, 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 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 the original title deeds of immovable property worth of Rs.10,00,000/- either belonging to the petitioner, friends or relatives to the credit of Crime No.1 of 2023 before the learned Judicial Magistrate No.IV, Thoothukudi, at the

<https://www.tn.court.gov.in/> for furnishing sureties;



[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[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.

sd/-
03/03/2023

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/03/2023

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

SJI

TO

1. The Judicial Magistrate No.IV, Thoothukudi.
 2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
 3. The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.J.DAVID GANESAN, Advocate (SR-3511[I] dated 07/03/2023)

ORDER
IN
CRL OP(MD) No.2303 of 2023
Date :03/03/2023