



WEB COPY

CRL OP(MD). I



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11116 of 2023

M Prabu,

... Petitioner/Accused No.1

The Inspector of Police,
District Crime Branch
Theni District.
(Crime No.20/2023).

... Respondent/Complainant

For Petitioner : M/s.S.Ramasamy,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

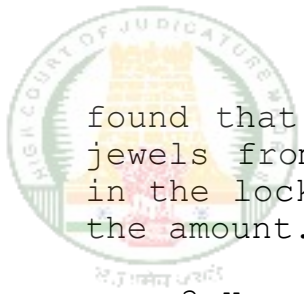
PRAYER :-

For Anticipatory Bail in Crime No.20 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 408, 417 and 420 of I.P.C., in Crime No.20 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Mr.K.Kandiben, who is working as an Area Manager of India Info Line Finance (IIFL), Theni has given a complaint to the respondent on 17.05.2023 by stating that his company is used to receiving jewels from the customers and giving jewels loan to them, for the past two years. The petitioner is working as Manager in the above said finance company at Boornahalli, Chennai. During the audit inspection on 23.02.2023, it was



found that the petitioner along with other 2 accused resurld jewels from the customers and subsequently, he put spurious jewels in the locker and thereby, the petitioner and others misappropriated the amount.

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

4.It is seen that there are totally three accused involved in this case and the petitioner is arrayed as A1. While he working as a Manager of India Info Line Finance (IIFL), he was taken the original jewels, which were pledged by the customers and replaced with spurious jewels, and thereby, he cheated to the tune of Rs.26,65,000/-. While pending enquiry, the petitioner deposited a sum of Rs.10,00,000/- in favour of the third accused. The third accused was now arrested and subsequently, released on bail. Further, the petitioner is also ready and willing to deposit the title deed to some extent as directed by this Court.

5.Considering above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.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, Theni, 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]at the time of executing sureties, the petitioner shall deposit the original title deeds of immovable property worth of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) along with proper valuation certificate from the concerned authorities, either belonging to himself, friends or relatives to the credit of Crime No.20 of 2023 before the learned Judicial Magistrate, Theni. Thereafter, only the learned trial Judge shall accept the sureties furnished by the petitioner.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as

<https://www.hc.wb.in/judis> required for interrogation;



[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/-
26/06/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Theni.
 2. Do-Through The Chief Judicial Magistrate,
Theni District.
 3. The Inspector of Police,
District Crime Branch
Theni District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.S.RAMASAMY Advocate SR.No.9584

ORDER
IN
CRL OP(MD) No.11116 of 2023
Date :26/06/2023

DL/(03.07.2023)/ 3P/6C