



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

Date : 13.03.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD)No.14814 of 2022

WEB COPY

1.Mahesh

2.Uthayaraj

... Petitioners / Accused No.1 & 2

Vs

State rep.by

The Inspector of Police,
Cumbum North Police Station,
Theni District.

(In Crime No.228 of 2022)

... Respondent / Complainant

For Petitioners : Mr.M.Eswaran, 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.228 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 294(b), 420 IPC in Crime No.228 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner herein illegally obtained jewel loan by creating 87 loan account from Sri Ram Finance, Dindigul Division and received loan receipts for the same. When he repaid the loan, he returned only 40 loan receipts and assured that he will not use the remaining loan receipts and redeemed 2021.9 grams jewels. Thereafter, by using 47 loan receipts, he and other accused persons, illegally trespassed into the branch and threatened the staff to return the jewels. Hence the case.

3.Heard and perused the materials available on records.

<https://www.mhc.tr4.gov.in> The learned counsel appearing for the petitioners would



submit that the petitioners will not claim any jewels by the loan receipts in future and they also ready to file an undertaking affidavit.

5. In view of the above submission, this court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall file an undertaking affidavit along with original loan receipts stating that they will not use the loan receipts and they will not claim any jewel on the loan receipts.

5. On filing of such undertaking affidavit, 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, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 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, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

[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].

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

sd/-

13/03/2023

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/03/2023

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

GNS

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate,
Uthamapalayam.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Cumbum North Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.14814 of 2022

Date :13/03/2023

ED/CG/SAR-3 (28/03/2023) 3P 5C