



CRL OP(MD)No.20380 of 2023

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

Date : 11.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.20380 of 2023

Sankul Gandhi

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No.505 of 2023

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.505 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.505 of 2023 on



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the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is working as Manager in Aaraa Gold Company and they are dealing with the purchase of old gold jewels business. On 21.04.2023, at about 10.30 am., the company had received a call from one Sangul Gandhi and he informed that he is doing coconut business at Madurai and he pledged his gold jewels weighing 108.300 grams for a sum of Rs.4,48,000/- at CSB, Kamarajar Salai, Theppakulam Branch, Madurai District and he wants to sell the jewels by clear the debts, based on that the defacto complainant had came to Madurai on 21.04.2023, since on that day, the bank server was not clear again on Monday, the said Sangul Gandhi had called the defacto complainant and invited to Theppakulam area, the defacto complainant went in his car, at that time, the said Sangul Gandhi and his friends Saravanan @ Karthick had obtained a sum of Rs.4,53,000/- from the defacto complainant, by putting his signature in the form and asked the defacto complainant wait. Later, he did not redeem the jewels and made as the defacto complainant to believe to wait for several hours. Only at the end of the day, they came to know that they have been cheated and the accused did not neither return the money, nor return the jewels, Similarly, the accused persons cheated the Nanayam Gold Exchange Ltd., and Madurai SS Gold Ltd., in a similar manner. Hence, the case.



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3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation is pending.

5.5.On perusal of records, it is noticed that A2 only contacted the defacto complainant and there is no contact with the petitioner herein and there is no allegation that the defacto complainant gave money to the petitioner.

6.Taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and *Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others* reported in (2009)4 SCC 437 and *Joginder Kumar vs. State of U.P. and others* reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residence at Madurai District. Hence the principles stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar* reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after



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taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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.I, Madurai District on condition that the petitioner shall execute a **own** bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photograph 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 his identity.

[b] the petitioner shall report before the trial Court on summons.

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

[d] the petitioner shall not abscond either during investigation or trial.



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[e] 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].

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

sd/-
11/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-17616[I] dated 12/12/2023)

ORDER
IN
CRL OP(MD) No.20380 of 2023
Date :11/12/2023

SS/JGB/SAR- /22/12/2023/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023