



Crl.O.P.No.892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.892 of 2024

Venkatajalapathi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.
Crime No.340 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.340 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 15.12.2023 for the offences registered under Section 409 of IPC in
Cr.No.340 of 2023 on the file of the respondent Police, seeks bail.



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2.The petitioner had been running a Pawn Broking shop in the name of Varshini. It is stated that the defacto complainant and several other victims have pledged their jewels with the petitioner and had obtained loan. It is a common knowledge that the loan would be disbursed only for 60% of the total value of the jewels which had been pledged. The petitioner after taking the jewels from the complainants and the victims had simply closed the shop and vanished. The petitioner had been subsequently remanded to custody on 15.12.2023.

3.It is the contention of the learned counsel for the petitioner that a sum of Rs.4,25,000/- had been recovered. That would be the amount is the victim should have received as loan and that would not be the amount which is the actual value of the jewels.

4.On the side of the respondent, it is stated that there are 29 victims and the matter is still pending investigation.

5.It is viewed from another angle, if the petitioner is directed to appear before the respondent on grant of bail, then further investigation could be proceeded with by the respondent.

6.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the



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following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate, Pappireddipatty and on further conditions that:-

[a] 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 Police, everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.340 of 2023 before the Judicial Magistrate, Pappireddipatty. On such deposit, the learned Magistrate may retain the same in any fixed deposit earning interest and on conclusion of the trial, pass final orders after identifying all the victims and distribute the same at conclusion of the trial in proportionate manner.

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

[e] the petitioner shall not tamper with evidence or witness 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



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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.

14.02.2024

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To

- 1.The Judicial Magistrate, Pappireddipatty.
- 2.The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.
- 3.The Sub Jail, Harur.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN,J.



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