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Crl.O.P.No.26243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26243 of 2024

Thiyagarajan

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Bazaar Police Station,
Coimbatore District.
Crime No.194 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS,
pleaded to enlarge the petitioner on bail on anticipatory bail in Crime No.194
of 2024 on the file of the respondent police.

For Petitioners : Mr.V.Muthupandi

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner / Accused who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 406, 420 and



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506(2) of IPC , in connection with the Cr. No.194 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioner approached the defacto complainant who is a goldsmith and informed him that he was doing gold business and received gold from the defacto complainant and failed to return the gold and hence the case.

3. Learned counsel for the petitioners submitted that this is the second anticipatory bail petition filed by the petitioner. He further submitted that the petitioner is an innocent person and he has been falsely implicated by the respondent police and he is in no way connected with the offences as alleged by the prosecution. He further submitted that he had returned almost half of the gold received by him from the defacto complainant. He further submitted that the petitioner is ready and willing to furnish substantial sureties for his due release and to abide by any conditions that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) would submit that the defacto complainant is running a business as a goldsmith. He further submitted that on the date of the alleged occurrence, the accused approached the defacto complainant with a proposition to sell gold jewellery, for which, the accused canvassed and convinced the defacto complainant and entrusted him with a total of 975.240 grams of gold ornaments for the purpose of sale. The defacto complainant relying on the accused's representation, handed over the gold to the accused. However, the accused failed to return the gold ornaments as agreed. He further submitted that the petitioner has two previous cases pending against him; and that the investigation is still pending. Hence, he strongly objected to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both side counsel, nature of offence, and the business transaction between the parties in respect of sale of the gold ornaments, there is a dispute pending between them in respect of return of the gold ornaments, already this petitioner along with the



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defacto complainant has given complaint against one Sunil, this court has already dismissed the earlier anticipatory bail application filed by the petitioner, even after the police have not taken steps to secure the accused, while the petitioner was in custody in previous case, this present case has been registered against him, though the petitioner has two previous cases, in which, he has been released on bail, and also considering all other factors, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.V, Coimbatore**, on condition that the petitioners 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 learned Magistrate concerned and on further condition that:

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



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[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner 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 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].



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

13.12.2024

drl

To

1. The Judicial Magistrate No.V,
Coimbatore.
2. The Public Prosecutor,
High Court, Madras.



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P.DHANABAL, J.

drl

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