



Crl.O.P.No.29268 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 409, 465, 467, 468, 471, 477A, 109 & 120B of the Indian Penal Code (IPC), 1860 in Crime No.16 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused, by pledging spurious jewels, had obtained jewel loans to the tune of Rs.2.24 Crores to 85 customers and thereby cheated the Bank. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is the Manager of the Bank. Initially the petitioner had given a complaint, based on which, a case was registered and after investigation, final report was filed before the learned Judicial Magistrate, Thiruvavarur on 29.07.2020 and the same was taken on file in C.C.No.17 of 2021. The first



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final report was filed on 29.07.2020 and subsequent report was on 19.09.2024. Initially, final report was filed against the Appraiser one Jagadeesan. However, the learned Magistrate before taking cognizance of the final report had ordered for reinvestigation and based on the confession of A1, the petitioner was implicated as A3 in the supplementary charge sheet filed on 19.09.2024 along with five other persons. The learned counsel for petitioner would submit that an initial enquiry was conducted by the Bank and the Bank has initiated civil action against 84 borrowers and the petitioner still continues to work in the Bank. He would further submit that Bank has found that that petitioner has not committed any offence, which is the reason for the petitioner being permitted to work in the Bank. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) while opposing for grant of anticipatory bail to the petitioner would submit that originally, based on the complaint of petitioner, a case was registered in Crime No.16 of 2016 in respect of availing loans by pledging spurious jewels. The respondent had earlier filed a final report on 29.07.2020 and the learned Magistrate had ordered for reinvestigation. Based on the statement of A1, 6 others have been added as accused. He would further submit that now investigation has been completed and the supplementary charge sheet has been filed and the case is now pending in C.C.No.17 of 2021 on the file of Judicial Magistrate, Thiruvavarur and the case is now stands posted to 23.11.2024 for the appearance of the accused.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.



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6.Taking into consideration the fact that the case has been registered based on the complaint of the petitioner and after reinvestigation, the petitioner has been implicated and also taking note of the fact that petitioner is still continuing to work in the complainant Bank, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruvarur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[b] the petitioner shall report before the learned Judicial Magistrate, Thiruvavarur on all working days at 10.30 a.m. for a period of two weeks and thereafter on the date fixed by the learned Magistrate.

[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.

[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 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 269 of BNS.

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