



CRL OP(MD). No.7492 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7492 of 2024

Viju Vijayan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
(Crime No.45 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Ananth C.Rajesh, Advocate.

For Respondent : Mr.A.Thiruvadikumar, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.45 of 2024 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 Section 420 IPC, in Crime No.45 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein had pledged spurious gold ornaments and obtained a loan of Rs.5,96,000/- on three loan accounts. At the time of pledging the jewels, it was tested and found that the jewels are pure gold. At



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the time of auditing when the above jewels are testified for its purity, found that all the jewels are not gold except one dolor weighing 2.00 gm. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner had pledged spurious gold ornaments and obtained a loan of Rs.5,96,000/-.

5. The learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only).

6.Taking into consideration the facts and circumstances of the case and also recording the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 No.II, Kuzhithurai, on condition that the petitioner 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



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learned Magistrate concerned and on further conditions that:

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[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner 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 petitioner shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) to the credit of Cr.No.45 of 2024, on the file of the learned Judicial Magistrate No.2, Kuzhithurai without prejudice to his contentions and rights before the trial Court. On such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

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

[e]the petitioner shall not abscond 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 the petitioner is 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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[g]If the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
22/05/2024

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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

am

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-5587[I] dated 22/05/2024)

ORDER IN
CRL OP(MD) No.7492 of 2024
Date :22/05/2024

RS/VR/SAR-(24.05.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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