



CRL OP(MD). No.11854 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.11854 of 2024

Indira,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
South Gate Police Station,
Madurai City.
Crime No.167/2024.

... Respondent/Complainant

For Petitioner : Mr.KPS.Palanivel Rajan,
Senior Counsel
for Mr.Varadarajan.R,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For intervener : Mr.R.Gandhi, Senior Counsel
for M/s.Gandhi Association

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime no.167 of 2024 on the file of the Respondent



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ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 I.P.C, in Crime No.167 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a gold jewellery and also pawn broker shop. The defacto complainant along with her sister/Manjula pledged their gold jewels of 240 grams and availed a loan for a sum of Rs.9,05,000/- from the petitioner and thereafter, the petitioner having received the total amount of Rs.9,23,000/- including interest, gave some articles and promised to return the balance articles within a week and thereafter, he did not return the balance articles and thereby, cheated the defacto complainant.

3. The learned Senior Counsel appearing on behalf of the petitioner would submit that this is a case, where the prosecution is bound to issue a summon under Section 41A. He would also submit that the when the petitioner is ready to co-operate with the inquiry by virtue of the dictum of the Hon'ble Supreme Court of India in the case of Ramesh Kumar V. State of NCT of Delhi [(2023)7 SCC 461], the same should be considered. The learned Senior Counsel would also rely upon the judgment in Satender Kumar Antil V. Central Bureau of Investigation [2024-SCC-

Online-SC-172], to contend that whether he is to be enlarged on bail, is a matter of

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right and the respondents have to mandatorily follow the procedure under Section 41A.

4. The learned Senior Counsel would also submit that as per the Form which is produced by the petitioner, it can be seen that the defacto complainant's sister viz., Manjula had received the jewels and signed in that column.

5. I have considered the said submissions made by the learned Senior Counsel and perused the material records of the case.

6. As far as the defacto complaint, viz, Jamuna is concerned, it is the contention of the petitioner that her sister has received and accordingly, a printed form in which in the relevant column also, the said Manjula has signed, is produced.

7. But however, it can be seen in the instant case that it is the contention of the learned Public Prosecutor that after the defacto complainant's complaints, three more persons have approached with the same complaint. When enquiry was conducted in all the four cases, the petitioner appeared before the Investigating Officer and by her own handwriting, she has given in writing that she will return the jewels within the period mentioned by her.

8. Therefore, prima facie, when the jewels are pledged and loan is taken and when the parties are repaying the loan, it is expected that the petitioner shall return the said jewels.



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9. In that view of the matter, when the serious offences are involved, I am unable to accept the contention of the Senior Counsel for the petitioner and it cannot be held that prima facie, this case neither requires a custodial interrogation nor the case can be termed as false and therefore, this is not a fit case for grant of anticipatory bail.

10. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/08/2024

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/ 08 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1 THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION,
MADURAI CITY.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

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Date :06/08/2024



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