



CRL OP(MD). No.22303 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Sargunam,

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No. 344/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Mahendra Pathy
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 344 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-



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The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of IPC in Crime No.344 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that Accused No.1, who is a Police official, had taken 100 sovereigns of gold belonging to the defacto complainant and instead of returning it back, had pledged the same to the petitioner (Accused No.2). The petitioner in-turn had re-pledged some quantity of gold to the nationalized bank. Accused No.1 was arrested in this case and the petitioner has been arrayed as Accused No.2.

3. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that 62 sovereigns was recovered from Accused No.1. The petitioner was called for enquiry and 9 sovereigns was recovered from the petitioner. Based on the information given, the remaining gold which was re-pledged to the Bank is in the process of being recovered. He further submitted that the petitioner is also in possession of 65 gms of gold belonging to one Baby Shalini and the same is yet to be handed over to the Police.

4. The learned counsel appearing for the petitioner submitted that there are three previous cases against the petitioner and two cases are for the offence under Section 302 of IPC and one case under Section 307 of IPC. He further submitted that a



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false case has been foisted against the petitioner. He further submitted that the entire gold was taken by Accused No.1 from the defacto complainant. Whatever that was pledged was already recovered from the petitioner and the petitioner also attended enquiry before the Police. That apart, the gold that was repledged is also in the process of being recovered from the Bank. Hence, in the entire transaction, it is the petitioner who stands to lose. He further submitted that the petitioner was always cooperating for the investigation and attending the enquiry.

5. Taking into consideration the facts and circumstances of the case and considering the nature of transaction that is involved in this case and considering the fact that this petitioner had attended enquiry whenever he was called for by the respondent Police and no useful purpose will be served in subjecting the petitioner to custodial interrogation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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, Thirumangalam, Madurai District, 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 respondent police or the police officer who



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intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

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

[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 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
18/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TSG

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-15580[I] dated 18/12/2024)

ORDER
IN

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Date :18/12/2024

SA/SKN/SAR. /06.01.2025/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.