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CrI.O.P.No.14420 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.14420 of 2025

Mr.Rifaat Kamil

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karaikal Town Police Station,
Karaikal, Puducherry.

Crime No.0126 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
arrest in connection with Crime No.0126 of 2025 on the file of respondent Police.

For Petitioner : Mr.C.R.Gokulvisvas

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police
for the offences punishable under Section **318 (4), 62 and 3 (5) of BNS** in Crime
No.0126 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2.The case of the prosecution is that, A1 to A3 were joined together and approached the defacto-complainant with low carat of gold chain with fake 916 and BIS symbol and tried to get gold loan by pledging the same. When the defacto-complainant came to know that the said chain is not 916 and BIS standard, he lodged a complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the custodial interrogation of the petitioner is not required. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that there are totally five accused in this case. A1 to A3 were arrested in the scene of occurrence. The allegation against the petitioner is that petitioner had aided A5 Ramesh who is a goldsmith to manufacture gold jewels with low carat and counterfeit it as 916 hallmark gold jewels and later using the jewels attempted to pledge with pawn brokers and financial centers and obtained cash beyond the



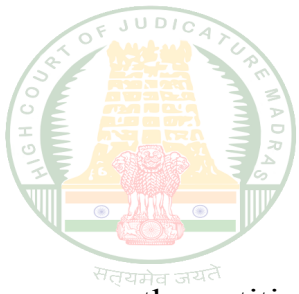
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actual value of the fake gold jewels. In this case, petitioner is charged for the offence of abetment. Hence, opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsels on either side and since, custodial interrogation of the petitioner is not required, 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 on which the order copy made ready, before the learned **Judicial Magistrate I, Karaikal**, 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 intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which,



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the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent police on daily at 10.30 a.m for a period of three weeks; thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;



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[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

- 1.The Judicial Magistrate I, Karaikal
- 2.The Inspector of Police,
Karaikal Town Police Station,
Karaikal, Puducherry.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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