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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).2691 of 2025

Manikandan

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
DCB (District Crime Branch),
Madurai District.
(Crime No.12 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in
Crime No.12 of 2024 on the file of the respondent-police.

For Petitioner : Mr.P.Sureshkumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/A2 was arrested and remanded to judicial custody on 08.01.2025 for the alleged offences punishable under Sections 406 and 420 of IPC altered into Sections 406, 420 and 120(B) of IPC, in Crime No.12 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the Deputy General Manager of Canara Bank, Madurai. A1 approached Canara Bank, T.Kallupatti Branch, Peraiyur Taluk, Madurai District, seeking a gold loan. Subsequently, he obtained a loan amount for a sum of Rs.30,00,000/- from the bank by pledging his gold jewels on various dates between 06.05.2023 and 11.05.2023. During verification, it was found that the gold bangles pledged by A1 were of the same design but of different weights. On suspicion, the bank conducted an examination of the pledged bangles on 19.07.2023. It came to light that the bangles



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were merely gold-coated and not solid gold. On inquiry, A1 admitted to the fraud and agreed to repay the entire loan amount. In furtherance of this, he paid Rs.15,00,000/- to the bank and promised to pay the remaining amount Rs.14,54,000/- within two months. However, though several demands were made, he failed to repay the balance amount. Hence, the case.

4. Mr.P.Sureshkumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 08.01.2025. He further submits that A1 was arrested and released on statutory bail. He further submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally 6 accused persons in this case and the petitioner has been arrayed as A2. He further submits that A5 is still absconding. He further submits that the investigation is still pending. He further submits that it is revealed from the investigation conducted till

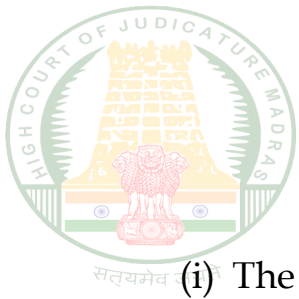


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date that the accused persons conspired to produce spurious gold bangles by adding copper as the major component, pledged the said bangles in the bank, obtained loans, and shared the amount. He further submits that totally, Rs.1,50,00,000/- is involved in this case. He further submits that there are 3 previous cases against the petitioner, which are similar in nature. Therefore, he contends that, if the petitioner is released on bail, there is possibility of committing similar offences in future and causing threat to the defacto complainant. Hence, he prays for the dismissal of this petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested and he has been in incarceration since 08.01.2025. The petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and also considering the offence alleged against the petitioner and taking into account the fact that the petitioner is ready to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



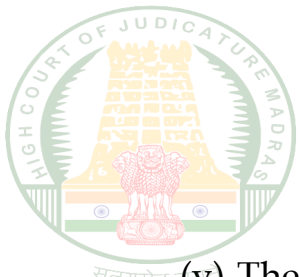
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(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.I, Madurai.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of the Crime No.12 of 2024 on the file of the respondent-police, before the learned Judicial Magistrate No.I, Madurai. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.12 of 2024.

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Madurai weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.



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(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(vi) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected.

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant and witnesses.

(ix) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode.

(x) The petitioner shall not enter into the defacto complainant's house or the bank.



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(xi) The petitioner shall furnish his residence address and mobile number to the concerned Judicial Magistrate.

(xii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

Sd/-
21/02/2025

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21/02/2025
Sub-Assistant Registrar(CS-III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, TIRUMANGALAM, MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SURESH KUMAR, Advocate (SR-1952[I] dated 21/02/2025)

ORDER IN
CRL OP(MD) No.2691 of 2025
Date :21/02/2025

ES/SAR /21.02.2025/8P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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