



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22793 of 2021

Kutti @ Jayaraman

... Petitioner

Vs.

The State represented by  
The Inspector of Police,  
Pernampet Police Station,  
Vellore District.  
Cr.No.450 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,  
praying to grant anticipatory bail to the petitioner in the event of  
arrest in the crime No. 450 of 2021 by the respondent police.

For Petitioner : Mr.M.Mariappan

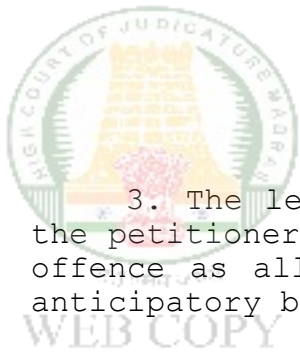
For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest at the hands of the  
respondent police for the alleged offences under Sections 406, 417,  
420, 506 (i) of IPC, in Crime No.450 of 2021, on the file of the  
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner borrowed a  
sum of Rs.39,500/- from the defacto complainant and then the defacto  
complainant redeemed the petitioner's Gold bangle worth about  
Rs.93,000/- from the pawn shop and the same was in the possession of  
the defacto complainant for the petitioner's debt. Thereafter, she was  
informed by the petitioner's uncle that the petitioner's gold bangles  
are not gold and the same is mixed with copper and later it was  
confirmed that the said bangle was copper. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl Side) appearing for the respondent submits that investigation was almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by both counsel and also the fact that the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Gudiyatham, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
30/11/2021

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
PERNAMPET POLICE STATION,  
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges  
SR.NO.13857

CRL OP.22793/2021

Date :30/11/2021

JPA 06/12/2021