



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.1211 of 2015

S. DEVARAJ

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY

THE SUB-INSPECTOR OF POLICE

SOUTH GATE POLICE STATION, MADURAI DISTRICT,

CRIME NO.46/2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.K.AZAGARSAMI Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN

Govt. Advocate (Crl. Side)

For Intervenor : M/S.A.VINOTHKANNAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 406 IPC in Crime No.46 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. On 28.01.2015, this Court passed the following order:

"The case of the prosecution is that the petitioner issued an advertisement promising on-line jobs to various persons. Pursuant to which, the defacto complainant paid a sum of Rs.10,000/- as deposit fee and he was allotted a job. The defacto complainant worked for three months and he was not paid any salary. Hence, the complaint. According to the defacto complainant, the petitioner should return the sum of Rs.10,000/- that was given as deposit as well as three months salary amounting to Rs.30,000/-.



Learned counsel for the petitioner submits that the petitioner will make a payment of Rs.15,000/- without prejudice to the defence in the criminal case.

The petitioner is directed to file an affidavit and bring a Demand Draft in the name of the defacto complainant for a sum of Rs.15,000/-.

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Adjd. to 04.02.2015 under the caption 'for orders'.

4. Today, the petitioner has filed a memo together with a photocopy of the Demand Draft for Rs.15,000/- in favour of the defacto complainant and the original Demand Draft has been handed over to Mr.Vinoth Kannan, learned counsel appearing for the defacto complainant in the Open Court itself under due acknowledgment.

5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai, 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 and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

6. However, the payment of Rs.15,000/- by the petitioner shall be without prejudice to the defence in the criminal case.

sd/-
04/02/2015

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TO

1. THE JUDICIAL MAGISTRATE NO. IV
MADURAI

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2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4. THE SUB-INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S.A.K.AZAGARSAMI Advocate SR.No.5262

RL/6 C- 6/2/2015

ORDER
IN
CRL OP (MD) No.1211 of 2015
Date :04/02/2015