



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

Thursday, the Twenty Sixth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12516 and 14176 of 2015

1 RAMESH BABU
2 DHANASUNDARI

... PETITIONERS/ ACCUSED NO.3&4
IN CRL.O.P(MD)NO.12516 OF 2015

P.PRABU

... PETITIONER/ ACCUSED NO.1
IN CRL.O.P(MD)NO.14176 OF 2015

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TRICHY DISTRICT.
(CRIME NO.860 OF 2015)

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

D.MOHANDAS

... INTERVENER/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : Mr.T.LENIN KUMAR Advocate IN CRL.O.P(MD)NO.12516/2015

For Petitioner :Mr.S.R.A.RAMACHANDRAN Advocate IN CRL.O.P(MD)NO.14176/2015

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

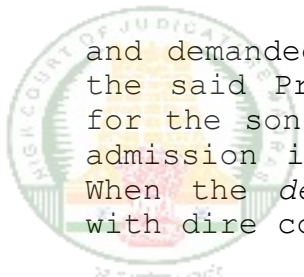
For Intervener : Mr.B.JAMEEL ARASU Advocate IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners in both petitions, who are arrayed as accused 1, 3 and 4 in Crime No.860 of 2015, on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 420, 294(b) and 506(i) I.P.C. and hence seek anticipatory bail.

2.The case of the prosecution is that the second petitioner in Crl.OP (MD)No.12516 of 2015 is the sister of the *de facto* complainant and the first petitioner is the son of the second petitioner and they have been arrayed as accused 3 and 4. The petitioners introduced one Prabu and <https://hcservices.courts.gov.in/hcservices/> have been arrayed as accused 1 and 2, to the *de facto* complainant. The accused 1 and 2 promised the *de facto* complainant to get admission in Medical College for the son of the *de facto* complainant



and demanded Rs.45 lakhs. The *de facto* complainant gave Rs.35 lakhs to the said Prabu and Duraipandi for getting admission in Medical College for the son of the *de facto* complainant. But, they have not secured any admission in Medical College and also they did not return the amount. When the *de facto* complainant demanded the money, they threatened him with dire consequences.

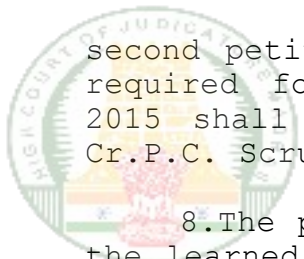
3.The learned counsel for the petitioners in Crl.O.P(MD)No.12516 of 2015 submitted that both the petitioners and the *de facto* complainant knew the said Prabu and Duraipandi, who have been arrayed as accused 1 and 2 and they informed him that they can get job in Government Office and admission in colleges as they are influential persons. The petitioners gave Rs.35 lakhs to the accused 1 and 2 to secure a job for the first petitioner in Government Office. Similarly, the *de facto* complainant also gave a sum of Rs.45 lakhs to the accused 1 and 2 for getting admission in Medical College for his son. Originally, the *de facto* complainant gave Rs.35 lakhs to the accused 1 and 2. The *de facto* complainant could not pay the balance of Rs.10 lakhs and therefore the *de facto* complainant requested the second petitioner to arrange for Rs.10 lakhs. The second petitioner gave 20 sovereigns of jewels to the *de facto* complainant. The petitioners have not introduced the accused 1 and 2 to the *de facto* complainant. The *de facto* complainant has directly approached the accused 1 and 2 and gave money. The petitioners also lost Rs.35 lakhs and 20 sovereigns of jewels. The learned counsel further submitted that at the instance of both sides, the matter was referred before the Mediation and Conciliation Centre attached to this Bench and before the mediation, the first accused/petitioner in Crl.O.P(MD)No.14176 of 2015 has admitted that he received a sum of Rs.45 lakhs.

4.The learned counsel for the petitioner in Crl.O.P(MD)No.14176 of 2015 submitted that the petitioner is no way connected with the offence as alleged by the prosecution and he is innocent and he has been falsely implicated in this case. The learned counsel further submitted that the first accused did not receive any amount and it is only a false complaint.

5.The learned Government Advocate (Criminal Side) submitted that by giving false promise of getting job and getting admission in Medical College, the accused persons have received a sum of Rs.45 lakhs from the *de facto* complainant and they did not get admission in Medical College and also they did not return the amount and the investigation is pending.

6.The learned counsel for the intervenor reiterated the arguments advanced by the learned Government Advocate (Criminal side).

7.Considering the fact that the *de facto* complainant and the second petitioner in Crl.O.P(MD)No.12516 of 2015 are brother and sister and both the petitioners and the *de facto* complainant met the accused 1 and 2 in a marriage and the *de facto* complainant approached directly the accused 1 and 2, this Court is inclined to enlarge the petitioners in Crl.O.P(MD) No.12516 of 2015 on anticipatory bail with certain conditions. Accordingly, the petitioners in Crl.O.P(MD)No.12516 of 2015 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.III, Trichy and on each executing 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 learned Magistrate and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation and the



second petitioner shall appear before the respondent police as and when required for interrogation. The petitioners in CrI.O.P(MD)No.12516 of 2015 shall comply with the condition stipulated under Section 438 of Cr.P.C. Scrupulously.

8.The petitioners in CrI.O.P(MD)No.12516 of 2015 shall appear before the learned Magistrate within a period of 15 days from the date on which the order copy is made ready failing which, the petition for anticipatory bail stands dismissed.

9.Considering the nature of the allegations made out against the petitioner in CrI.O.P(MD)No.14176 of 2015, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly CrI.O.P(MD) No.14176 of 2015 is dismissed.

sd/-
26/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.T.LENIN KUMAR Advocate SR.No.67735
+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.67865

ORDER
IN
CRL OP(MD) No.12516
and 14176 of 2015
Date :26/11/2015

NS/PM-MP/SAR II/01.12.2015 : 3P/7C