



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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP (MD) No.17188 of 2014

WEB COPY

1 AMARNATH
2 SANGEETHA
3 KATHIR @ KATHIRESAN

... PETITIONERS/ACCUSED NO.3 TO 5

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY.
CR. NO. 20 OF 2014.

... RESPONDENT/COMPLAINANT

PRABU

... INTERVENER

For Petitioner : M/S.T.LENIN KUMAR Advocate
For Respondent : MR.C.RAMESH, Additional Public Prosecutor
For Intervener : MR.R.GANDHI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 120(b) IPC in Crime No.20 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that these petitioners along with one Chandrasekaran (A1) had taken huge sums of money from the defacto complainant and others on the promise of getting them jobs abroad. It is seen that they have totally received around Rs.43 lakhs.

4. Learned counsel for the petitioners submits that Chandrasekaran was arrested by Police and was subsequently released on bail by the Court below and on 22.09.2014, A1 attempted to escape from country. He further submits that these petitioners were working as employees under A1.

5. Refuting the contention, learned counsel for the Intervenor brought to my notice various payments that have been made by the defacto complainant and others directly to Amarnath (A3) / 1st petitioner and Kathir @ Kathiresan (A5) / 3rd petitioner. It is seen that Sangeetha (A4) / 2nd petitioner is the wife of Amarnath. Since the allegation against the petitioners 1 and 3 are indeed very serious, this Court is not inclined to grant anticipatory bail to them. As regards Sangeetha, she being a lady and wife of Amarnath and also taking into consideration the allegation against her, this Court is of the opinion that it will serve



the interest of justice, if anticipatory bail is granted to her. Therefore, I am inclined to grant anticipatory bail to the 2nd petitioner alone. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy, 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 2nd petitioner shall report before the respondent police as and when required for interrogation.

[b] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the 2nd 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. This petition in respect of petitioners 1 and 3 is dismissed.

sd/-

27/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,TRICHY.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
 - 3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH,TRICHY CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.LENIN KUMAR Advocate SR.No.3658
+1cc to Mr.R.GANDHI,Advocate, SR.No.3747

ORDER

IN

CRL OP(MD) No.17188 of 2014

Date :27/01/2015

PA/30.01.15/2P/7C