



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

Monday, the Twenty Third day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.2147 of 2015

N.KARTHI GANESH

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, RAMNAD DISTRICT.

CRIME NO. 53/2014

... RESPONDENT/ COMPLAINANT

K.JEGAN

... INTERVENOR

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

For Respondent : Govt. Advocate (Crl. Side)

For Intervenor : M/S.D.BALAMURUGAPANDI, Advocate

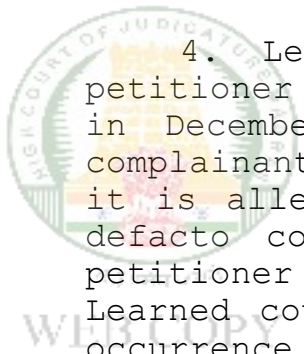
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 506(i) IPC in Crime No.53 of 2014 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. This is third anticipatory bail petition and the earlier anticipatory bail petitions were dismissed by this Court. The case of the defacto complainant is that the petitioner is working as Assistant Engineer in Tamil Nadu Electricity Board and the defacto complainant is also working as a temporary hand in the Board. It is alleged by the defacto complainant that this petitioner had received Rs.6,00,000/- from him on the promise of getting a job of Village Administrative Officer and he neither got the job nor returned the money.



4. Learned counsel for the petitioner submitted that the petitioner had borrowed Rs.6,95,000/- from the defacto complainant in December, 2011 and has repaid Rs.2,00,000/- to the defacto complainant subsequently. In order to get back the balance amount, it is alleged by the learned counsel for the petitioner that the defacto complainant has lodged the false complaint, as if this petitioner had taken Rs.6,00,000/- for getting him a job as VAO. Learned counsel for the petitioner further submitted that for the occurrence that was alleged to have taken place in 2011, the complaint has been given only now and therefore, there is falsity in the complaint of the defacto complainant.

5. On reading of the complaint given by the defacto complainant, he has stated that when the defacto complainant started demanding the return of money from the petitioner, the petitioner was threatening him that he would remove him from the temporary employment from Tamil Nadu Electricity Board and fearing that, the defacto complainant was keeping silent. Therefore, the conduct of the defacto complainant cannot be faulted with inasmuch as he feared that he will lose the present job also, if he makes any complaint against the petitioner. The defacto complainant in the present complaint has also stated that the petitioner has lodged a complaint against him on 25.06.2013 before Kenikarai Police Station and in that enquiry also, the petitioner agreed to return the money.

6. Learned counsel for the defacto complainant produced a copy of the undertaking given by the petitioner, wherein, the petitioner has agreed to return the amount of Rs.6,00,000/-, but has not stated a word that he has already returned Rs.2,00,000/-, as submitted by the learned counsel for the petitioner now.

7. In view of the serious nature of allegations against this petitioner, this is not a fit case to grant anticipatory bail to him. Hence, the Criminal Original Petition is dismissed.

sd/-
23/03/2015

/ TRUE COPY /

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

TO

1. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 2. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMNAD DISTRICT.
- +1. CC to M/S.A.K.AZAGARSAMI Advocate SR.No.13958
RL/4 C- 27/3/2015

ORDER
IN
CRL OP(MD) No.2147 of 2015
Date :23/03/2015