



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

Friday, the Thirteenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2208 of 2015

P. NAGARAJ

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE

USILAMPATTI TOWN POLICE STATION, MADURAI DT,

CRIME NO.39/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D. SELVAM Advocate

For Respondent : MR. P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

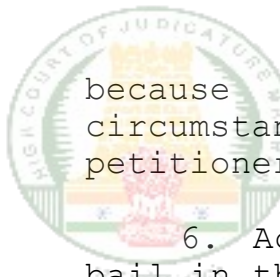
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of Indian Penal Code in Crime No.39 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the *defacto* complainant that this petitioner promised to get her a job as a teacher in TELLC School in Usilampatti and has received a sum of Rs.3,20,000/- (Rupees Three Lakhs and Twenty Thousand only) from her in the year 2010 and had cheated her.

3. The learned counsel for the petitioner submits that the petitioner got her a job in TELLC School, where she was working for 1 ½ years and since she did not clear the TET examination held by the Teachers Recruitment Board, the Management had removed her from service. Therefore, the learned counsel for the petitioner submits that the *defacto* complainant has suppressed this fact in her complaint.

4. The respondent police is present. The learned Government Advocate (Criminal side), on instructions from the respondent police, submits that it was true that the *defacto* complainant was working for 1 ½ years in the said School, but only as a temporary teacher.

5. Be that as it may, even according to the *defacto* complainant, the amount was allegedly given in the year 2010 and she had worked for 1 ½ years as a temporary teacher and she lost the job



because she did not pass the TET examination. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner.

6. 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.I, Usilampatti, 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 twice a day daily at 10:30 a.m., in the morning and 06:30 p.m., in the evening for a period of two weeks and thereafter, as and when required by the respondent police 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-
13/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,USILAMPATTI
- 2 THE CHIEF JUDICIAL MAGISTRATE,MADURAI
- 3 THE INSPECTOR OF POLICE,USILAMPATTI TOWN POLICE STATION, MADURAI
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2208 of 2015
Date :13/02/2015