



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

Thursday, the Tenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.22426 of 2015

1 REVATHI
2 S. RAVISHANKAR

... PETITIONER(S) / ACCUSED 1 & 2

Vs

1 THE STATE REP.BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DISTRICT POLICE OFFICE,
SUBRAMANIYAPURAM,
TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.
CR NO.26 OF 2015.

2 SUGENDRAN

... RESPONDENTS / COMPLAINANT

For Petitioner : M/S. S.Palanivelayutham Advocate
for M/S.S.DHAYALAN Advocate

For Respondent 1 : M/S.K.Anbarasan Government Advocate (Crl. Side) for R1

For Respondent 2 : M/S.T.Senthil Kumar Advocate for R2

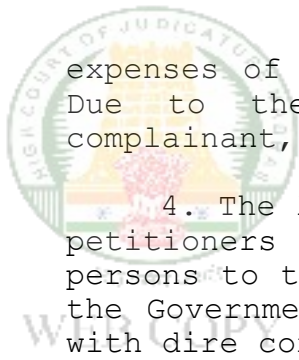
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.26 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 406, 420, 294(b) and 506(i) I.P.C. and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused received a sum of Rupees Five lakhs from the defacto complainant, on giving promise of getting employment as Teacher, subsequently, they did not get any appointment order and also did not return the amount. When the defacto complainant demanded the amount, they threatened the defacto complainant with dire consequences. On the complaint given by the defacto complainant, a case has been registered for the offences under Sections 406, 420, 294(b) and 506(i) I.P.C.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners, due to the financial crisis and meet out the family



expenses of the petitioners, borrowed money from the defacto complainant. Due to the non-payment of the amount borrowed from the defacto complainant, a false complaint has been given.

4. The learned Counsel appearing for the intervenor submitted that the petitioners received money from the defacto complainant and six other persons to the tune of Rs. Twenty Lakhs on giving promise of getting job in the Government Department. When they demanded the money, they threatened with dire consequences and for that, the complainant has been given.

5. The learned Government Advocate (Crl. Side) submitted that on giving promise of getting employment in the Government, the petitioners received money from the defacto complainant and they neither got employment nor returned the amount and thereby cheated the defacto complainant.

6. Earlier, the petitioners filed a petition in Crl.O.P. (MD) No. 17006 of 2014 and this Court referred the matter before the Mediation and Conciliation centre and before the Mediation and Conciliation centre, for more than one year, the petitioners have dragged on the case. Subsequently, they filed an affidavit on 08.09.2015 giving an undertaking to settle the amount. In that affidavit, they have stated that they would pay a sum of Rupees Five lakhs, as a first instalment on 23.09.2015 and the second instalment of Rupees Five Lakhs would be paid on 16.10.2015 and the remaining amount of Rupees Five Lakhs would be paid on 27.10.2015. Recording the affidavit filed by the petitioners, this Court, on 08.09.2015 granted interim anticipatory bail to the petitioners on certain conditions and also on further condition to deposit a sum of Rupees Fifteen Lakhs and directed the Registry to list the matter on 28.09.2015 for reporting compliance. Subsequently, the petitioners did not comply the conditions imposed by this Court. Therefore, this Court dismissed the earlier petition filed by the petitioners.

7. From the materials, it is seen that the petitioners have filed an affidavit of undertaking to pay sum of Rupees Fifteen lakhs to the victims and on their undertaking, this Court granted interim anticipatory bail and that order was not complied with and subsequently, the matter was listed before this Court on 28.09.2015 and on that day, there was no representation for the petitioner and again on 30.09.2015, the matter was listed under the caption for dismissal. On 30.09.2015 also there was no representation and hence, this Court dismissed the Criminal Original Petition No. 17006 of 2014 for non-prosecution.

8. From the facts and circumstances of the case and also the nature of the offence is job robbing and considering the gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
10/12/2015

/ 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 CHIEF COORDINATOR,
MEDIATION AND CONCILIATION CENTRE MADURAI
BENCH OF MADRAS HIGH COURT, MADURAI

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
DISTRICT POLICE OFFICE,
SUBRAMANIPURAM, TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT.

+1. CC to M/S S.DHAYALAN Advocate SR.No.71161.

TS/15.12.2015/2P-5C/SK-SKN/SAR - II

ORDER
IN
CRL OP(MD) No.22426 of 2015
Date :10/12/2015