



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

Tuesday, the Twenty First day of July Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.9235 of 2015

NAGARAJAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.300 OF 2014

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.K.BAALASUNDHARAM ADVOCATE
FOR RESPONDENT : MR.K.V.RAJARAJAN GOVT. ADVOCATE (CRL. SIDE)
FOR INTERVENOR : MR.RAJESH SARAVANAN ADVOCATE

PETITION FOR ANTICIPATORY BAIL UNDER SEC. 438 CR.P.C.

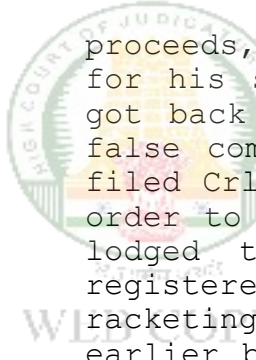
ORDER : THE COURT MADE THE FOLLOWING ORDER :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent for the alleged offences punishable under sections 294 (b), 406, 420 and 506(i) of IPC in Crime No.300 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant Mr.Rangasamy, A1 is a retired Electricity Board employee and his son A2 is now working in the Electricity Board and both of them approached him and represented that they have influence and they can get a job for his son and assuring to provide a job in the electricity board, received Rs.7,00,000/-, but they did not keep up their words and also did not return the amount and they have cheated the de-facto complainant.

3.Mr.K.Baalasundharam, learned counsel for the petitioner submitted that the petitioner and the de-facto complainant are close friends and the petitioner had only accompanied the de-facto complainant to meet a Minister and the de-facto complainant has handed over a sum of Rs.7,00,000/- to one Mrs.Gango, wife of Gnanaselvam to get a job for his son and after few months, the said Gnanaselvam died and his wife refused to return the money to the de-facto complainant and therefore, the petitioner has been implicated as an accused in this case. The learned counsel further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Per contra, Mr.B.Rajesh Saravanan, learned counsel for the intervenor vehemently opposed granting of anticipatory bail contending that the de-facto complainant is the retired Government employee, based on the representation and assurance given by the accused, he sold a part of his land and also from and out of his retirement benefits and the sale



proceeds, he handed over Rs.7,00,000/- to the accused to get employment for his son, however, they neither get the appointment for his son nor got back the amount. It is further contended that the accused gave a false complaint against the de-facto complainant on 25.06.2014 and also filed Crl.O.P.(MD)No.13439 of 2014, dated 23.02.2015 by observing that in order to divert the investigation in this case, the accused had cleverly lodged the complaint before the respondent, which was rightly not registered by them. It is further contended that this is a case of job racketing and the accused is not entitled for anticipatory bail and the earlier bail petition was dismissed on 08.01.2015 and there is no chance of circumstances.

5.Heard the learned Government Advocate (Criminal Side) appearing for the respondent.

6.Considering the nature of the allegation made against the petitioner and also taking into consideration the order passed by this Court on 08.01.2015, I do not find any reason to consider this petition now as there is no chance of circumstances. Hence, this petition is dismissed.

sd/-
21/07/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION, MADURAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC TO M/S.K.BAALASUNDHARAM ADVOCATE SR.NO.40598.

+1 cc to Mr.B.RAJESH SARAVANAN, Advocate SR.No.39942.

ORDER
IN
CRL OP(MD) No.9235 of 2015
Date :21/07/2015

2P/5C
RPB/PRV 27.07.2015