

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

Monday, the Twenty Second day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.14109 of 2016

JEYASANKAR

... PETITIONER/ACCUSED NO.3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
CRIME NO. 41 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.A.EBENEZER 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 is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.41 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

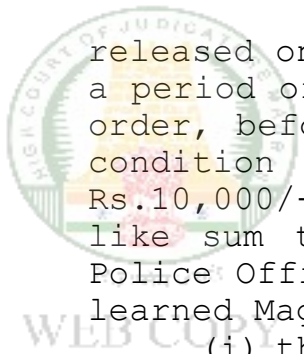
2.The case of the prosecution is that the petitioner along with other accused persons collected a sum of Rs.14,00,000/- from the defacto complainant on promising to get job and subsequently, he did not get any job. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the defacto complainant is a broker and he only collected money from the public and he cheated them and he has given a false complaint against the petitioner.

4.The learned counsel for the petitioner submitted that A.1 is the brother of the petitioner and he received money from the defacto complainant. The petitioner is working in the Department of Treasuries and Accounts. Due to that, he has given a false complaint against the petitioner and prayed for anticipatory bail.

5.The learned Government Advocate filed the counter-affidavit filed by G.Sundaramahalingam, Inspector of Police, District Crime Branch, Thoothukudi District and in the counter it is stated that after conducting investigation found that the petitioner's name has been included due to the reason that he is working in the Department of Treasuries and Accounts and in order to get back the amount. In the investigation, it is revealed that the petitioner is an innocent person and at the time of filing final report, his name will be deleted.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Thoothukudi, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
22/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S T.A.EBENEZER Advocate SR.No.46686

ORDER
IN
CRL OP(MD) No.14109 of 2016
Date :22/08/2016

PS