



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

Monday, the Twenty Fourth day of October Two Thousand Sixteen

PRESENT

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The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP (MD) No.17205 of 2016

A.RAJA

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.181/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.VENKATESAN Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

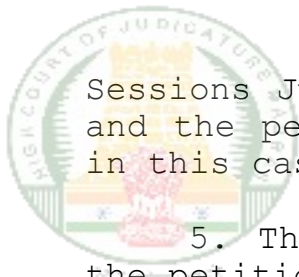
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 294(b) and 506(i) of I.P.C., in Crime No.181 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent police.

3. The case of the prosecution is that on promising to secure job in Electricity Board, the petitioner had received a sum of Rs.3 lakhs initially as advance and thereafter, received a sum of Rs.4 lakhs for the above said purpose and failed to do so and in spite of repeated request made by the de-facto complainant, the amount has not been returned. Hence, the de-facto complainant has given a complaint against him.

4. It is the case of the petitioner that none of the provisions much less the offence under Sections 406 and 420 are not attract in this case and the petitioner has appeared before the respondent police for six days and they not enquired the petitioner and hence, the custodial interrogation of the petitioner may not be required. It is the further case of the petitioner that A2 in this case has already been granted anticipatory bail by the Principal



Sessions Judge, Madurai in Cr.M.P.No.1712 of 2016 dated 02.04.2016 and the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Government Advocate (Crl.side) submitted that the petitioner is indulged in the offence of job racketing.

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6. It is seen that on 14.09.2016, this Court had granted interim anticipatory bail to the petitioner. However, the petitioner could not arrange sureties. Hence, fearing arrest, he did not continue to sign. Taking note of the fact that serious offence is said to have been committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

7. There is no reason as to why the police has not initiated action against the persons who are giving bribe as giving bribe as well as receiving bribe is an offence. If the police officers are not the beneficiaries in this job racketing, this Court expect them to bring the issue to a logical end.

sd/-

24/10/2016

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE, NAGAMALAIPUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER IN
CRL OP(MD) No.17205 of 2016
Date :24/10/2016

msm/ss3/sar3/14.11.16/p2/3c