

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16014 of 2018

P.KANDASAMY

[PETITIONER / ACCUSED]

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM.
CR.NO.10 OF 2018

[RESPONDENT]

For Petitioner : M/S.BABU RANGASAMY Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.10 of 2018 registered by the respondent for the alleged offence punishable under Sections 120B, 420 and 506(i) of IPC.

2. The case of the prosecution as per the defacto complainant one Bharathiraja is that the petitioner is working as a lorry driver in a private concern and during the year 2014, the petitioner introduced Velmurugan (A2) and Arasu (A3) to him and all of them lured the defacto complainant that if he could pay Rs.6,50,000/-, they can secure a job as a Lab Assistant in a Government School. The further allegation is that believing the words, the defacto complainant and his friend one Ranganathan have paid an advance amount of Rs.1,00,000/- on 10.01.2015 to Arasu (A3) and again Rs.2,00,000/- on 13.01.2015 to Velmurugan (A2) and on 15.02.2015, an amount of Rs.3,50,000/- was paid to the petitioner herein and that all the accused assured him that he will get the job in a week's time, whereas, the petitioner did not secure the job and when the defacto complainant had asked for return of money, the petitioner along with other accused have threatened him.

3. The learned counsel for the petitioner would submit that a case of money dispute has been converted as a case of job racketing. He would submit that Velmurugan (A2) is the person, who had received the entire amount of Rs.6,50,000/- from the defacto complainant and that he has failed to repay the amount to the defacto complainant, other than the introduction given by the petitioner, he has not

obtained any pecuniary gain in the transaction. He would submit that the said Velmurugan (A2) and the defacto complainant had entered into an agreement on 07.02.2016, wherein, the said Velmurugan(A2) had agreed to repay the entire amount to the defacto complainant and in the letter of undertaking, he has also absolved the liability of the petitioner herein and indemnified him. He would submit that the second accused Velmurugan has been arrested and later enlarged on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused joined together, on the promise of getting job, received an amount of Rs.6,50,000/- from the defacto complainant and thereafter, cheated him. He would submit that the arrested accused has been enlarged on bail.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Vazhapadi, within a period of fifteen days from the date of receipt of a copy of this order on her executing 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 the said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
VAAZHAPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM.

+1CC to M/S.BABU RANGASAMY Advocate on payment of necessary charges SR NO.14146

CRL OP.16014/2018

Date :27/07/2018

MK:30/07/2018