



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17529 of 2017

1 R.ARULSELVI
2 R.MURUGAN

... PETITIONERS / ACCUSED

Vs

STATE THROUGH THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI-625 002.
(CR.NO.2022 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.RADHAKRISHNAN Advocate

For Respondent : Mr. K.S.DURAIPANDIAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners are arrayed as accused in Crime No.2022 of 2017 of Tallakulam Police Station. They apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 406, 420 and 506(ii) IPC, they have filed this petition, in which they seeking the relief of anticipatory bail.

3.The case of the prosecution is that one P.V.Parthasarathy/A1 had received a sum of Rs.12,00,000/- with an assurance of getting appointment in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) to the de-facto complainant's sister and other persons. But he failed to arrange for the appointment, instead, he has sent a fake appointment order copy through whatsapp. Since he failed to fulfill his assurance, he gave a blank cheque with his signature and a Non-Judicial Stamp paper for Rs.100/- with his signature to the de-facto complainant. Based on the complaint filed before the Judicial Magistrate No.II, Madurai the learned Magistrate directed the respondent police to register a case. Accordingly, the case was registered.

4. The learned counsel appearing for the petitioners submitted the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, they are in no way connected with the offences, and pleads for grant of anticipatory bail to the

petitioners.

5. The learned Additional Public Prosecutor submitted that the petitioners have received a sum of Rs.12,00,000/- under the guise of employment from the de-facto complainant and others. The first petitioner is the wife of the first accused and the second petitioner is the driver of the first accused. He further submitted that in this case, A1 and A2 were arrested and remanded to Judicial custody and the earlier petition filed by the petitioners was dismissed.

6. Considering the submissions on either side, it reveals that the offence u/s.294(b), 406, 420 and 506(ii) IPC, has been registered against the petitioners in Crime No.2022 of 2017 of the respondent police and the petitioners herein are the accused Nos.3 and 5. According to the petitioners, the other accused received money from the various persons, after making false promise that there are several job in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO). Based on the promise, the amount, which was mentioned here, was handed over to the petitioners and other accused. The Accused Nos.1 and 2 are in judicial custody still now.

7. In the above said circumstances, this Court come to the conclusion that in order to recover the misappropriated amount, custodial intragation is necessary for completing investigation. Accordingly, granting anticipatory bail in favour of the petitioners would prejudice to the process of investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

03/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II,MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,MADURAI

3 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI-625 002.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.S.RADHAKRISHNAN Advocate SR.No.45

JAM/09/01/2018/RR/ SAR 1 / 2P-6C

ORDER

IN

CRL OP(MD) No.17529 of 2017

Date :03/01/2018