



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22160 of 2018

1 SIVASUBRAMANI
2 SEDHURAMAN
3 GURUSAMY
4 RAMALAKSHMI
5 SUGANYA
6 SOBANA

... PETITIONERS / ACCUSED NO.1 TO 6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
VIRUDHUNAGAR DISTRICT.
(CRIME NO.15/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.MANIKANDAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervener : MR.C.SUSI KUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 419, 420, 506(ii) and 34 of IPC, in Crime No.15 of 2018, seek anticipatory bail.

2.The petitioners are from one family. The first accused introduced himself as a Sub Collector/Revenue Divisional Officer of Thiruvallur District. A2 is father of A1 and doing business of Bricks and by making false promise to get a job for defacto complainant's wife in the Mines and Minerals Department, demanded Rs.10,00,000/-. The defacto complainant had given an amount of Rs.3,00,000/- to the first accused and handed over it to his wife. <https://hcservices.ecourts.gov.in/hcservices/> Hereafter, all the accused joint together with common intention to cheat the defacto complainant had received an amount of



Rs.7,00,000/- and failed to secure the job as promised. Later on 02.05.2018, the first accused was arrested in Crime No.123 of 2018 under section 170 of IPC. Coming to know about the same, when the defacto complainant demanded back the amount, all the accused persons threatened the defacto complainant and hence the case came to be registered.

3.The case of the prosecution is that the first accused in the Social and Electronic Media had projected himself as Sub Collector of Thiruvallur District and his father A2 was running a brick business at Virudhunagar. A1 promised the defacto complainant that he would secure a job for defacto complainant's wife in the Mines and Minerals Department, Virudhunagar and demanded Rs.10 lakhs by stating that the District Collector is his close friend. On 03.02.2018, he had introduced the District Collector and other important officials to the defacto complainant, thereby gaining confidence of the defacto complainant and initially obtained Rs.3 lakhs and thereafter on 15.07.2018 the balance amount of Rs.7 lakhs from the defacto complainant. He had also introduced the entire family members and the money was given in the presence of all the accused. Thereafter, on coming to know about the dubious character of the accused, the case has been registered against nine persons.

4.The defacto complainant had vehemently opposed to entertain this petition and had filed a typed set of papers. The defacto complainant had reiterated the complaint and produced the copies of forged identity card, which was used by the first accused as Revenue Divisional Officer/Sub Collector. Further, a copy of receipt, dated 15.04.2018, executed by the second accused father of the first accused for receipt of Rs.7 lakhs has also been produced. Further, the photographs of the accused along with other Trainee Sub Collectors and articles about the misdeeds have been produced.

5.The learned Government Advocate (Crl. Side) also opposed to grant anticipatory bail to the petitioners stating that custodial interrogation of all the petitioners are necessary, since the first petitioner not only cheated the defacto complainant, he had also cheated similar gullible persons and a thorough and detailed investigation is to be carried out.

6.At this stage, the learned counsel for the petitioners seek permission of this Court to withdraw the case in respect of A1 & A2 and he has also made an endorsement to that effect and submits that in respect of other petitioners are concerned they are the family members of A1 & A2 and they are merely present during the money transaction. There is no specific allegations against them.

7.Taking into consideration the facts and circumstances of the case, this Court inclined to grant anticipatory bail to the petitioners 3 to 6.



8. Accordingly, the petitioners 3 to 6 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Virudhunagar, on condition that the petitioners 3 to 6 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners 3 to 6 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners 4 to 6 shall report before the respondent police as and when required for interrogation. The third petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioners 3 to 6 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 3 to 6 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 petitioners 3 to 6 in accordance with law as if the conditions have been imposed and the petitioners 3 to 6 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.

9. This criminal original petition is dismissed as withdrawn in respect of the petitioners 1 and 2.

sd/-
18/12/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.2,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

<https://hcservices.ecourts.gov.in/hcservices/>

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



+1. CC to M/S.R.MANIKANDAN Advocate SR.No. 23531

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ORDER

IN

CRL OP (MD) No.22160 of 2018

Date :18/12/2018

JM/JC/SAR 4/20.12.2018/4P/6C