



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1884 of 2019

R.RAJARAM,

... PETITIONER / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SUPERINTENDENT OF OFFICE, SIVAGANGAI,
SIVAGANGAI DISTRICT
(CRIME.NO.5/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.MARIYAPPAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

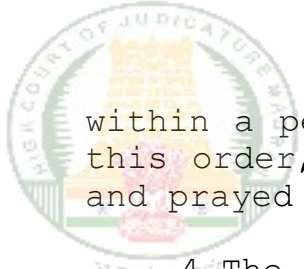
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 I.P.C. and Section 24(1)(b) of the Emigration Act, 1983, in Crime No.5 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has received a sum of Rs.70,000/- from the de-facto complainant under the pretext of getting a job for her son in abroad and thereafter, he failed to do so and repaid a sum of Rs.10,000/- only and failed to repay the balance amount of Rs.60,000/-.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence and he has been falsely implicated in this case. He further submitted that the petitioner is only an introducer and the entire amount was paid to one Vallavan Travels at Nayathanpatti and he did not receive any amount. However, on instructions, the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.40,000/- to the credit of Crime No.5 of 2019



within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court and prayed for anticipatory bail.

4. The learned Government Advocate (Criminal side) submitted that if the petitioner deposits Rs.40,000/- within the time stipulated by this Court, anticipatory bail may be granted.

5. Considering the facts and circumstances of the case and also considering the above said submissions, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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.II, Sivagangai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.40,000/- to the credit of Crime No.5 of 2019 within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court and the learned Magistrate shall disburse the said amount to the de-facto complainant within a period of two weeks thereafter. Only on such deposit, the surety bond should be accepted;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/02/2019

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SUPERINTENDENT OF OFFICE, SIVAGANGAI,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.MARIYAPPAN Advocate SR.No.2424

PS/JC/SAR-4/08.02.2019/3P/6C

ORDER
IN
CRL OP(MD) No.1884 of 2019
Date :05/02/2019