



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

**CRL OP(MD) Nos.191 of 2019
AND 20882 of 2018**

M.LOUIS IRUDHAYARAJ

... PETITIONER/ACCUSED No.1
IN CRL OP(MD)No.191/2019

L.MEENA

... PETITIONER/ACCUSED No.3
IN CRL OP(MD)NO.20882/2018

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH POLICE STATION,
TRICHY.
IN CRIME NO. 44 OF 2018

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

For Petitioner : MR.M.KUMAR, Advocate
IN BOTH PETITIONS

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR
IN BOTH PETITIONS

For Intervenor : MR.K.M.KARUNAKARAN, Advocate
IN CRL OP(MD)NO.20882/2018

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

ORDER : The Court Made the following order :-

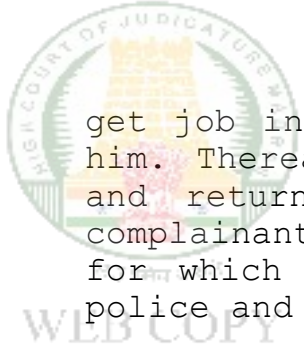
COMMON ORDER

Since these two petitions are arising out of the same crime and the petitioners are arrayed as accused in the same crime number, these two petitions are taken up together and disposed of by way of common order.

2. The petitioners/A1& A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 and 120(b) IPC., in Crime No.44 of 2018 on the file of the respondent police, seek anticipatory bail.

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

3. The case of the prosecution is that the petitioners and other accused persons induced and assured the defacto complainant to



get job in Tamilnadu Electricity Board and got Rs.95,00,000/- from him. Thereafter, as promised they did not arrange job for anybody and returned the amount of Rs.25,60,000/- only to the defacto complainant. The balance amount of Rs.69,40,000/- was not returned for which the present complaint was lodged before the respondent police and registered in Crime No.44 of 2018. Hence, this petition.

4. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that without prejudice their right, the petitioners are ready to deposit Rs.40,00,000/- within a period of four weeks thereafter the said amount may be disbursed to the defacto complainant and prays for anticipatory bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the submission that the petitioners have come forward to deposit Rs.40,00,000/- within a period of four weeks from the date of receipt of a copy of this order, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy, on condition that the petitioners 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 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 petitioners shall deposit Rs.40,00,000/- to the credit of Crime No.44 of 2018 before the Court below within a period of four weeks from the date of receipt of a copy of this order;

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

(c) the learned Magistrate shall accept the sureties only on the payment of Rs.40,00,000/- and on such receipt, the learned Magistrate shall disburse the said amount to the defacto complainant/victims within a period of two weeks thereafter, after ensuring their identity and proof;

(d) the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders;

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(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
08/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to MR.M.KUMAR, Advocate SR.Nos.2751, 2752

ORDER
IN
CRL OP(MD) No.191 of 2019
AND 20882 of 2018
Date :08/02/2019

pjl
PK/PN/SAR-1/13.02.2019 : 3P/7C