



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

Thursday, the Twenty First day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2262 of 2019

1 R.KUMAR
2 POOMAHAL

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
CRIME NO.8 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUKUMAR Advocate

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

For Intervener : MR.T.THIRUMURUGAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 I.P.C. in Cr.No.8 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the accused persons jointly received a sum of Rs.15,50,000/- for securing a job in the Tamil Nadu Newsprint and Papers Limited., Pugalur, karur District. Thereafter, they neither secured a job nor returned the balance amount. Aggrieved over the same, the defacto complainant gave a complaint before the respondent police.

3.On an earlier occasion, the petitioners filed criminal original petition before this Court. This Court, by order dated 07.06.2018, made in Crl.O.P.(MD)No.7173 of 2018, recorded the undertaking given by the petitioners. If the petitioners will not come to repay the balance amount, this Court directs the Law



Enforcing Agency to proceed further in accordance with. The petitioners have not complied with the undertaking given before this Court, for which, the Law Enforcing Agency registered a complaint against the petitioners.

4. The learned counsel appearing for the petitioners would submit that admittedly, on an earlier occasion, the petitioners have come forward before this Court to repay the balance amount. Today, on instructions, the learned counsel appearing for the petitioners undertakes that the petitioners are ready to deposit a sum of Rs.8,70,000/- in Crime No.8 of 2018, within a period of four weeks without prejudice to their defence before the trial Court. Thereafter, the said amount may be disbursed in favour of the defacto complainant.

5. The learned counsel appearing for the intervenor conceded the request made by the learned counsel appearing for the petitioners.

6. Heard the learned Government Advocate (Crl.Side) appearing for the respondent State.

7. Considering the facts and circumstances of the case and considering the undertaking given by the petitioners, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karur, 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 a sum of Rs.8,70,000/- to the credit of Crime No.8 of 2018, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to their defence before the trial Court and the learned Magistrate shall disburse the said amount to the defacto complainant within a period of two weeks thereafter. On such deposit, the surety bond should be accepted.

(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;

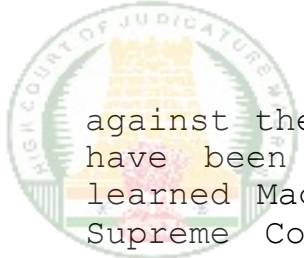
(c) the first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the second petitioner shall report before the respondent police as and when required for interrogation;

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

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

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

(f) 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;

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

sd/-

21/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUTHUKUMAR, Advocate SR-3602

+1. C.C. to M/S.T.THIRUMURUGAN, Advocate SR.No. 3727

ORDER

IN

CRL OP(MD) No.2262 of 2019

Date :21/02/2019

JM/PN/SAR 1/28.02.2019/3P/7C