



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

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5152 of 2019

1 VIJAYA
2 SURESH
3 MARUTHAPONNIAH
4 J.ANAND
5 RAMAN

... PETITIONERS / ACCUSED
No.2 to 6

Vs

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.76 of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.JOTHI BASU 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 and 506(i) of IPC in Cr.No.76 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are running a study centre in the name and style of IAS Academy. The accused persons jointly received a sum of Rs.5,00,000/- for securing a job in the Government. Thereafter, they neither secured a job nor returned the amount. Aggrieved over the same, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that the co-accused has already been granted anticipatory bail by this Court in Crl.O.P.(MD) No.5153 of 2019. Hence, they seek anticipatory bail.



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

5.Considering the facts and circumstances of the case and considering the fact that the co-accused has already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.5153 of 2019, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6.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 Court, Sivagiri, 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 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;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

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

(d)the petitioners 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 petitioner 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;

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

sd/-

04/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUB-INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S G.M LAW OFFICE Advocate SR.No.6256

ORDER

IN

CRL OP (MD) No.5152 of 2019

Date : 04/04/2019

TK/PN/SAR-3/11.04.2019/3P/6C