



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.5153 of 2019

THANGAPPAN

... PETITIONER/ ACCUSED No.1

Vs

STATE REP.BY

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

Crime No.76 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : 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 petitioner, who apprehends 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, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is 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 petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner has collected tuition fees for the purpose of securing a job. The learned counsel appearing for the petitioner, on instructions, submitted that without prejudice to his rights, he is ready to deposit a sum of <https://hcservices.ecourts.gov.in/hcservices/> RS.5,00,000/- in Crime No.76 of 2019, that may be disbursed in favour of the defacto complainant.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that since the accused person has come forward to deposit a sum of Rs.5,00,000/- in Crime No.76 of 2019, that may be disbursed in favour of the defacto complainant and this Court may grant anticipatory bail to the accused person.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner has come forward to deposit a sum of Rs.5,00,000/- to the credit of Crime No.76 of 2019, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6.Accordingly, the petitioner, is directed to deposit a sum of Rs.5,00,000/- to the credit of Crime No.76 of 2019 within a period of two weeks from the date of receipt of a copy of this order and out of which, a sum of Rs.1,50,000/- each shall be disbursed to 1.Vella Duraichi(Defacto complainant) W/o.Sankar 2.Vella Duraichi W/o.Mari Pandi (Victim) and 3.Rajeshwari W/o.Kannan(Victim) and a sum of Rs.50,000/- to Chella Duraichi W/o.Vella Durai(Victim). On such deposit, 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, Sivagiri, 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 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner 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.R.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

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

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.6257

ORDER
IN
CRL OP (MD) No.5153 of 2019
Date : 04/04/2019

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