



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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.716 of 2019

M.K.SUBRAMANIAYAN

... PETITIONER /SINGLE ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY DISTRICT
(CRIME NO.23/2018)

... RESPONDENT / COMPLAINANT

KARUPPAIAH

... PETITIONER/INTERVENER/ DEFACTO COMPLAINANT
IN CRL MP(MD).NO.661 OF 2019 IN
CRL OP(MD).NO.716 OF 2019

For Petitioner : MR.N.MOHIDEEN BASHA Advocate

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

For Intervener : MR.M.SUBASH BABU, Advocate

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

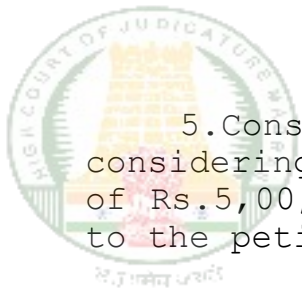
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420 and 417 IPC, in Crime No.23 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had assured to secure a job for the defacto complainant and received a sum of Rs.10,00,000/- from him.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he is ready to deposit a sum of Rs.5,00,000/-.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police on instructions would submit that this is the case of job racketing and the investigation is pending.



5. Considering the facts and circumstances of the case and also considering the fact the petitioner is ready to deposit a sum of Rs.5,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Court, Musiri, 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 learned Magistrate concerned and on further condition that:

(i) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No. 23 of 2018, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner;

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

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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]**.

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

sd/-
31/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, MUSIRI

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.

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

+1. CC to MR.N.MOHIDEEN BASHA Advocate SR.No.2169
+1cc to MR.M.SUBASH BABU, Advocate in SR.No. 2268

ORDER

IN

CRL OP(MD) No.716 of 2019

Date :31/01/2019

AE/PN/SAR2/08.02.2019/3P/7C