



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

Date : 24/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9796 of 2019

K.Gobikrishnan

... Petitioner/Accused-10

Vs

State rep.by its
The Inspector of Police,
District Crime Branch,
Dindigul, Dindigul District.
Crime No.17/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Mathiyalagan, Advocate.

For Respondent : Mr.V.Neelakandan, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.17/2019 on the file of the respondent police.

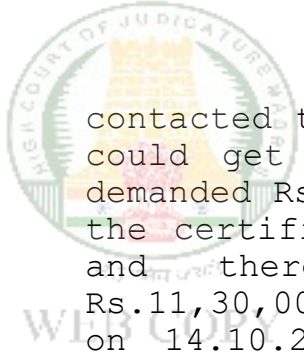
ORDER : The Court Made the following order :-

The petitioner/Accused No.10 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 419, 420, 465, 468, 471 and 476 of IPC seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner would submit that a false case been foisted against the petitioner. He further submitted that on two occasions(each occasion Rs.5000/-) totally Rs.10,000/- only the defacto complainant has sent to the petitioner's account and that the petitioner has transferred the said amount to the account of A1, however on instructions he has submitted that the petitioner is ready to deposit Rs.2,50,000/- to the credit of crime number without prejudice to his rights and defence before the trial court. Hence, he prayed to grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant had completed B.E., degree and the first accused is the classmate of the defacto complainant, hence he



contacted the defacto complainant on 24.07.2018 and told that he could get employment in Indian Railways as Service Engineer and demanded Rs.20,00,000/- and thereafter he received Rs.1,00,000/- and the certificate from the defacto complainant in front of his mother and thereafter the defacto complainant has transferred Rs.11,30,000/- to the bank account of the other accused. Thereafter on 14.10.2018 the third accused introduced himself as Railway Recruitment Board Member and fourth accused as Assistant Personal Officer conducted interview at Karur and believing that as interview and confirmed the appointment and Rs.1,00,000/- from the defacto complainant. Thereafter A1 and A2 called the defacto complainant to Karur and gave appointment order, for which A2 received a sum of Rs.2,00,000/- and thereafter he had undergone training at West Bengal for three months and they took the defacto complainant to Railway chief Office at Gorakhpur and made him sign in the service register and thus the defacto complainant believed that he got appointment. Thereafter when the defacto complainant contacted the first and second accused to ask them for his appointment, they never received the phone call of the defacto complainant and thereafter only the defacto complainant came to know that he was cheated by the accused. Hence, he opposed to grant anticipatory bail to the petitioner.

5. As per the First Information Report, main allegations are made against A1. Insofar as this petitioner is concerned it is stated in the First Information Report that between 01.08.2018 to 03.12.2018 the defacto complainant has sent totally a sum of Rs.11,30,000/- on various dates to the accounts of Jeevanandhan(A2), Ajaikar(A5), Indirani(A6), Padmavathi(A7), Deepak(A8), Karthik (A9), Gopi (A10/Petitioner herein) and Kumar(A11). But he has not given any break up details with regard to how much amount paid to each of the aforesaid person's accounts. The learned counsel for the petitioner/A10 has produced two share receipts of G.pay which would show that the defacto complainant has paid totally Rs.10,000/- on two occasions to the account of the petitioner.

6. Taking into consideration of the aforesaid facts and also the submission made by the learned counsel for the petitioner, that the petitioner is willing to deposit a sum of Rs.10,000/- without prejudice to his rights, this Court is inclined to grant anticipatory bail to the petitioner.

[7] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing bail bond the petitioner shall deposit a sum of Rs.10,000/- to the credit in Crime No. 17 of 2019 before the learned Judicial Magistrate No.II, Dindigul and only on such deposit the learned Magistrate shall accept the sureties.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/07/2019

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

TO

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

+1. CC to Mr.R.MATHIYALAGAN Advocate SR.No.12237

ORDER
IN
CRL OP(MD) No.9796 of 2019
Date :24/07/2019