



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10949 of 2019

Nagaraj

... Petitioner/Accused No.2

Vs

The State Represented by
The Inspector of Police,
District Crime Branch,
Madurai District.
Crime No.15/2019

... Respondent/Complainant

Adaikan

...Petitioner/Intervener

For Petitioner : M/s.Mark J Jackson,
Advocate.

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

For Intervenor : Mr.S.Prabhu, Advocate

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

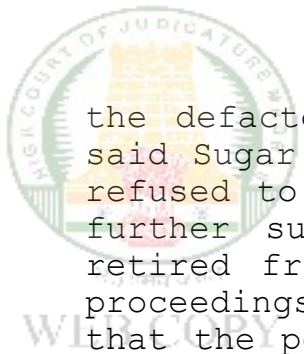
PRAYER :-

For Anticipatory bail in Cr.No.15/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 420, 506 (i) of IPC, in Crime No.15 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that as per the FIR, the petitioner herein was permanently working in the Sugar Factory, Madurai, Alanganallur Co-operative Society and during the year 2016-2017, the defacto complainant gave a sum of Rs.2,00,000/- to the petitioner herein and two others namely, Padithurai and Jeyaseelan as they have promised that they will make arrangement to make him as a permanent employee and when



the defacto complainant has asked the amount on 22.02.2017 in the said Sugar Factory, the petitioner herein and other accused persons refused to give the amount and also criminally intimidated him. He further submitted that on 26.12.2014 itself, the petitioner was retired from the service and he has also produced a copy of the proceedings issued by the said Sugar Factory. He further submitted that the petitioner is in no way connected with the aforesaid case and he has been falsely implicated in this case and therefore, he prayed to grant anticipatory bail to the petitioner.

3.Per contra, the learned counsel for the Intervenor/defacto complainant has submitted that even though the petitioner was retired from service on 31.12.2014, he used to come to the said Sugar Mills and associate with the other accused persons and made a promise that he will make arrangement for making permanent job to the defacto complainant and received a sum of Rs.2,00,000/- from the defacto complainant and all the accused received amount from 28 persons and thereafter, they did not make any arrangement for making them permanent and also they refused to return the amount to the defacto complainant and criminally intimidated him. He further submitted that since it is a case of job racketing, no documentary evidence is available, and hence, he strongly opposed this petition.

4.The learned Additional Public Prosecutor has adopted the arguments advanced by the learned counsel for the Intervenor/defacto complainant and he also opposed this petition.

5.It is seen from the typed set of papers filed by the learned counsel for the petitioner that the petitioner was permitted to retire from his service on 31.12.2014 by the proceedings dated 26.12.2014. But, the learned counsel for the Intervenor has submitted that after his retirement, he used to come to the said mill and gave false promise that he will make the defacto complainant permanent and received a sum of Rs.2,00,000/-. Even though the defacto complainant has not produced any documentary evidence to show that he has paid the amount to the petitioner, the petitioner has not given any explanation as to why a false case has been given against him. In the case of job racketing, we cannot expect that documentary evidence will be available. Only in the investigation, the evidence can be collected. Taking into consideration of the allegations made against the petitioner, this Court is of the view that the petitioner is not entitled to get anticipatory bail. Hence, this petition is dismissed.

sd/-
20/08/2019

/ TRUE COPY /

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



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10949 of 2019

Date : 20/08/2019

TK/JC/SAR.1/06.09.2019/3P/3C