

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 5136 & 6181 of 2020

Manimegalai ... Petitioner in Crl.OP.No.5136 of 2020

J.Joel Kingsly ... Petitioner in Crl.OP.No.6181 of 2020

Vs.

State Rep. by
The Inspector of Police,
City Crime Branch,
Salem District.
(Crime No.4 of 2020)

... Respondent in Both Crl.OPs

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.4 of 2020 on the file of the Inspector of Police, District Crime Branch, Salem.

For Crl.O.P.No.5136 of 2020

For Petitioner : Mr.M.Senthilkumar

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

For Crl.O.P.No.5136 of 2020

For Petitioner : Mr.R.Arundattan

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

C O M M O N O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 120B, 420 and 506(i) of I.P.C in Crime No.4 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant working as an Associate Professor in private college. He applied for the post of Assistant Professor in Central University of Tamil Nadu, Thiruvavur. On the assurance given by the petitioners to get a job for the defacto complainant he had given a sum of Rs.18,00,000/- to the petitioners. Thereafter, the petitioners failed to secure any job to the defacto complainant and refused to return the amount which was received to secure job for the post of Assistant Professor. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are husband and wife arrayed as A1 and A2. They did not commit any offence as alleged by the prosecution. However, the petitioners returned a sum of Rs.4,60,000/- to the defacto complainant and now they are ready and willing to deposit original title deed for the remaining amount. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that it is a case of job racketeering. On the assurance given by the petitioners the defacto complainant paid a sum of Rs.18,00,000/- for a job as Assistant Professor in Central University of Tamil Nadu, Thiruvavur. Thereafter, the petitioners did not secure any job to the defacto complainant and also failed to return the amount. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the petitioners had returned a sum of Rs.4,60,000/- and willing to deposit original title deed for the remaining amount, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall deposit original title deed stands in their name or their friends name or their relatives name, not less than the value of Rs.20,00,000/- (Rupees Twenty Lakhs only) along with the proper valuation certificate obtained from the authority concerned to the credit of Crime No.4 of 2020 on the file of the respondent within a period of two weeks from the date on which the order copy made ready and, on such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate-I, Mettur, Salem, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall deposit Original title deeds not less than Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Crime No.4 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/s in accordance with law as if the conditions have been imposed and the petitioner/s 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].

[h] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

29/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, METTUR, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges

WEB COPY

CrI.O.P.Nos. 5136 & 6181 of 2020

Date :29/06/2020

RVR 18/08/2020