

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.6323 of 2020

1.Govindaraj,

S/o. Perumal,

No.237, Dharasarikottai Village,

Venkatapuram, Mallapadi,

Krishnagiri District.

2.Murugan,

S/o. Kannusamy,

No.4/239, Indira Nagar, Sigarapallli Post,

Krishnagiri District. Petitioners

Vs.

The State represented by,

The Inspector of Police,

B1, Dharmapuri Police Station,

Dharmapuri District. Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of being arrested in Crime No.68 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr. G.Kesavan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 420, 294(b) and 506(ii) IPC, in Crime No.68 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the petitioners have cheated the de facto complainant by obtaining payment of Rs.3,00,000/- (Rupees three lakhs only) on false promise and assurance on getting job for his son in TNPSC Group I. The further allegation is that the petitioners had also cheated several other persons.

3. The learned counsel for the petitioners would submit that it is a case of financial dispute between the petitioners and the de facto complainant regarding non repayment of loan has been falsely projected as a case of job racketing. He would further submit that there is no other complaint against the petitioners and the petitioners are prepared to deposit the entire sum of Rs.3,00,000/- (Rupees three lakhs only) before the Court to show their bonafide.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have cheated the de facto complainant by obtaining a sum of Rs.3,00,000/- (Rupees three lakhs only) on false assurance on getting job for his son in TNPSC Group I and therefore, the respondent had registered FIR against the petitioners for the offences punishable under Section 417, 420, 294 (b) and 506(ii) IPC. He would submit that as on date there is no other case pending against the petitioners. However he would oppose to grant anticipatory bail to the petitioners.

5. Considering the facts of this case and the submissions made by the counsel, the petitioners shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) jointly, to the credit of Cr. No.68 of 2020, within a period of four weeks from the date of receipt of a copy of this order.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(a) The petitioners are directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) jointly, to the credit of Cr. No.68 of 2020 within a period of four (4) weeks from the date of receipt of a copy of this order before the learned Judicial Magistrate No.I, Dharmapuri. Thereafter, the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate No.I, Dharmapuri or the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioners shall also give a letter of undertaking before the respondent/police that the said amount has been paid.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of one week and thereafter, as when required for interrogation.

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

[e] the petitioners 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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/08/2020

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, DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B-1 DHARMAPURI POLICE STATION,
DHARMAPURI DISTRICT

+1 CC to M/S.G.KESAVAN Advocate on payment of necessary charges
sr 6029

CRL OP.6323/2020

Date :25/08/2020

RD 09/09/2020