

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.8534 of 2020

1. A.Lavanya, (A1)
2. C.Bala @ Balachandar, (A3)
3. R.Kalaiyarasi, (A7)
4. M.Subramani, (A10)
5. M.Yuvaraj, (A13)
6. M.Latharani, (A14) ... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Erode South Police Station,
Erode District.
Crime No.73 of 2020. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.73 of 2020, pending investigation on the file of the
respondent police.

For Petitioners : Mr.C.S.Saravanan

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

O R D E R

The petitioners who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 120(b),
406, 420 and 468 of IPC in Crime No.73 of 2020, seeks anticipatory
bail.

2. The case of the prosecution is that the Petitioners alleged
to have received the sum of Rs.7,10,000/- from the defacto
complainant for the purpose of securing a Government job. Hence, the
complaint.

3. The learned counsel for the petitioner would submit that A1
obtained handloan from the Defacto Complainant but she was unable to
give it back. A2 and A5 are the husband and father in law of A1
respectively. All the other Petitioners are family members of A1. As
A1 was unable to return the hand loan obtained from the Defacto
Complainant, she promised to secure a Government job for Defacto
Complainant but failed to do so. But the Defacto Complainant had

falsely alleged that all the Petitioners had obtained the money for the purpose of securing a Government job. There is no specific overt-act against the accused Nos. 2 to 9 as per the F.I.R. The 2nd accused and 5th accused who are the husband and father in law of A1 respectively were enlarged on bail by the concerned Judicial Magistrate and three other co-accused A4, A6, A8 were granted anticipatory bail by this Court in CrI.O.P. No. 3174/2020. Subsequently the co-accused A10 to A14 were added by the respondent police with an ulterior motive. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the arrested accused Nos.2 and 5 were enlarged on bail and the co-accused, namely, accused Nos.4, 5 and 8 were granted anticipatory bail by this Court. He further submitted that it is a case of job racketing and a sum of Rs.7,10,000/- was received from the defacto complainant for the purpose of securing a Government job. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall jointly pay a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the defacto complainant and the defacto complainant shall give receipt to that effect, within a period of 2 weeks from the date on which the order copy made ready and, on production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-III, Erode on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioner 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 jointly pay a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the defacto complainant and the defacto complainant shall give receipt to that effect, and the petitioners shall produce the said receipt before the Court below.

[c] the petitioners 1 to 5 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 and the sixth petitioner shall report before the respondent as and 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/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].

[g] 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.III, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, सत्यमेव जयते
ERODE SOUTH POLICE STATION,
ERODE DISTRICT.

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

CRL OP.8534/2020

Date :29/06/2020

cs 24/07/2020