

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9172 of 2020

S.Thirunavukkarasu, (Aged 53 years),
S/o.Subramanian,
No.R32/2, Analmin Nagar-7,
3R Area, Mettur, Mettur Dam,
Salem – 636 401. ... Petitioner

Vs.

The Inspector of Police,
District Crime Branch,
Salem District,
(Crime No.05 of 2018) ... 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.05 of 2018 on the file of the Inspector of Police, District Crime
Branch, Salem District.

For Petitioner : Mr.B.Kumarasamy
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420 and 506(1) of IPC, in Crime No.5 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have collected a sum of Rs.1,34,00,000/- from 7 victims to get a Job in the Electricity Department for the post of Assistant Engineer and other post. Insofar as A6 is concerned, he had received a sum of Rs.32,00,000/- from three victims viz., Selvam, Gokul and Srimathi. Thereafter, they did not get any job to the victims and also refused to return the money received by them. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is working as a Foreman in the Mettur Thermal Power Station, Salem District. Even according to the prosecution, three victims had given a sum of Rs.32,00,000/- to the petitioner to get a job in the Electricity Department. Insofar as the first victim viz., Selvam is

concerned, his father is working as a contractor in the Mettur Thermal Power Station and other victim's fathers are also working as Assistant Engineer and Junior Engineer respectively. Therefore, if at all, the victims intended to get job, they may not proceed through the petitioner and over rule their fathers, who are in the top position in the Electricity Department. He would further submit that Crime was registered in the year 2018. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 7 accused persons involved in this case and the petitioner is arrayed as A6. Except the petitioner and others are not connected with the Electricity Department and the petitioner alone is working as a Technical Assistant in the Mettur Thermal Power Station, Salem District. He would further submit that the petitioner instigated the victims and collected a money from 7 persons to the tune of Rs.1,34,00,000/- to get a job in the Electricity Department. Though the victims fathers are connected to the Electricity Department and they are nothing to do with

the job racketing. Insofar as the petitioner is concerned, he received directly from the three victims to the tune of Rs.32,00,000/-. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen that there are totally 7 accused persons involved in this case and the petitioner is arrayed as A6. Further, he is working as a Technical Assistant under the Mettur Thermal Power Station, Salem District. According to the prosecution, the petitioner along with other accused persons have collected a sum of Rs.1,34,00,000/- to get a job in the Electricity Department. Insofar as the petitioner is concerned, he had received a sum of Rs.32,00,000/- from three victims viz., Selvam, Gokul and Srimathi. Thereafter, they did not get any job to the victims and also refused to return the money received by them.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit the title deeds to the said amount which was received by him to show his bonafide.

7. Considering the above facts and circumstances of the case and also considering the fact that the crime was registered in the year 2018, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall deposit the original title deed stands in his name, not less than the value of Rs.50,00,000/- (Rupees fifty lakhs only) along with the proper valuation certificate obtained from the concerned authority, within a period of fifteen days from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.6, Salem, 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 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 petitioner shall deposit the original title deed stands in his name, not less than the value of Rs.50,00,000/- (Rupees fifty lakhs only) along with the proper valuation certificate obtained from the concerned authority, before the Court below.

[c] the petitioner shall appear before the respondent police daily evening at 06.30 p.m., for a period of four weeks and thereafter as and when required for 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

25.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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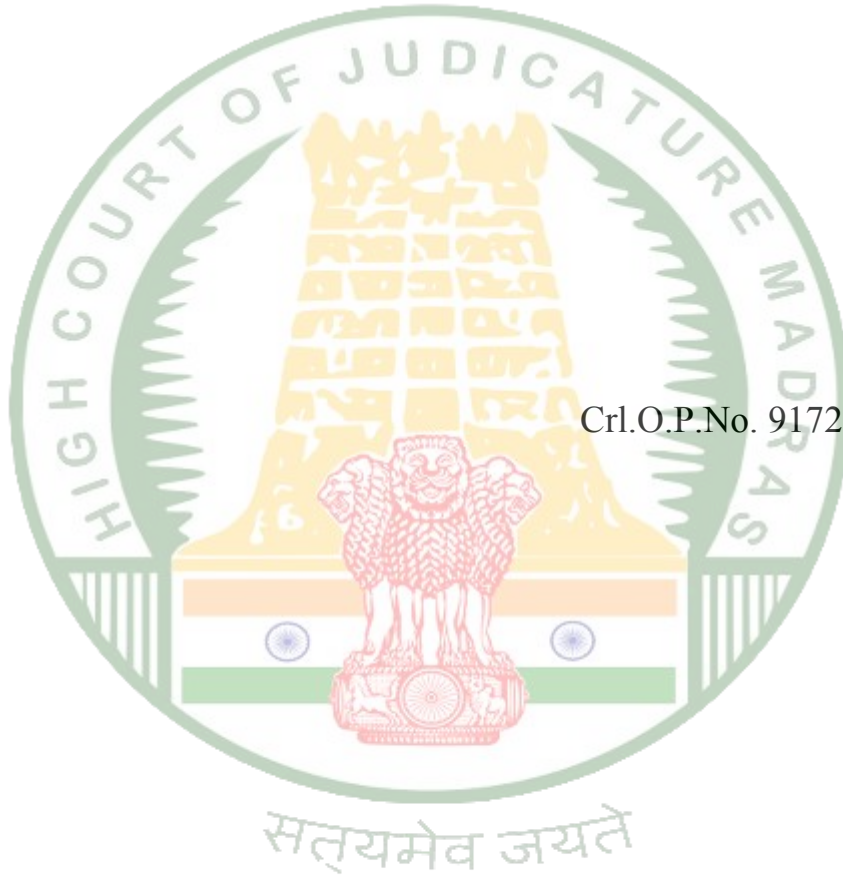
To

1. The learned Judicial Magistrate No.6,
Salem.
2. The The Inspector of Police,
District Crime Branch,
Salem District,
3. The Public Prosecutor, सत्यमेव जयते
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J

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