



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2020

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PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1845 of 2020

1. N.Santhi
2. Balasubramani

... Petitioners/Accused No.1&2

Vs

State Rep.by its
The Inspector of Police,
C2-Subramaniapuram Police Station(Crime),
Madurai District.
Crime No.1036/2018

... Respondent/Complainant

For Petitioners : M/s.J.Jeyakumaran,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervenor : Mr.A.Raja, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 1036 of 2018 on the file of the respondent police.

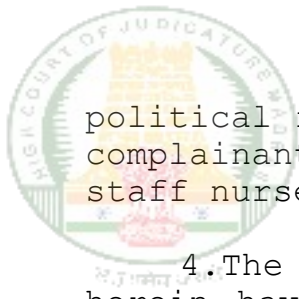
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420 and 506(ii) of I.P.C., in Crime No.1036 of 2018 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the first petitioner is working as staff nurse, while the second petitioner is said to be a

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political functionary associated with the ruling party. The defacto complainant is one Janaki Raman. His wife Bagiya Lakshmi is also a staff nurse and office colleague of the first petitioner.

4.The specific case of the prosecution is that the petitioners herein have induced the defacto complainant to part with a sum of Rs.16,00,000/- for getting a job for their son.

5.The learned counsel appearing for the defacto complainant would fairly state that a sum of Rs.10,00,000/- has already been returned and remaining Rs.6,00,000/- to be paid by the petitioners.

6.The intervenor's counsel would seriously condemn the conduct of the petitioners. He pointed out that the petitioners herein earlier moved this Court for anticipatory bail and the same suffered a dismissal. Thereafter, the first petitioner herein filed Crl.M.P.No.1040 of 2019 before the Principal Sessions Court, Madurai and an undertaking was given that the first petitioner would deposit a sum of Rs.4,00,000/-. Recording the said undertaking, anticipatory bail was granted only for the first petitioner herein, vide order dated, 14.03.2019. Thereafter, the first petitioner filed Crl.M.P.No.2543 of seeking modification. The said modification petition suffered a dismissal on 26.06.2019. The same was put to challenge before this Court by filing a criminal revision. The revision petition was also dismissed.

7.The intervenor's counsel would point out that after suffering a dismissal before this Court, the petitioners could not have moved before the Sessions Court. He also contended that even if this Court shows some indulgence, if the accused are remitting a sum of Rs.4,00,000/-, the benefit can be extended only for the first petitioner and not for the second petitioner.

8.No doubt, the objections raised by the intervenor's counsel are strong and forceful. I made it clear to the petitioner's counsel that unless the petitioners are willing to abide by the condition earlier imposed by the Sessions Court, I will not consider this petition on merits.

9.The petitioner's counsel, there upon, submitted that the petitioners would remit a sum of Rs.2,00,000/- within 15 days and a further sum of Rs.2,00,000/- within two months thereafter. Since the said amount can be disbursed based on the outcome of the criminal proceedings. I am of the view that the arrest of the petitioners is not going to serve any purpose. I also cannot fail to note that the defacto complainant wanted to get a public employment through illegal means. Therefore, it is a case of pot calling the kettle black.

10.Subject to the aforesaid condition, anticipatory bail is



11.The petitioner's counsel gives a specific undertaking that they will not apply for extension of time or modification of this condition. Any such application shall not be numbered by the Registry. The petitioners will have to strictly conform to the undertaking now given before this Court.

12.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.IV, Madurai, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

13. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
11/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE No.IV, MADURAI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
C2-SUBRAMANIPURAM POLICE STATION (CRIME) ,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-2913[I] dated 12/02/2020)

ORDER IN
CRL OP(MD) No.1845 of 2020
Date :11/02/2020

RMI

TE/JC/SAR-I : 17/02/2020 : 3P/6C

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