



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/03/2020
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3993 of 2020

Karthikeyan

... Petitioner/Accused

Vs

The Inspector of Police,
District Crime Branch
Karur
District
Crime No.3 of 2020

... Respondent/Complainant

For Petitioner : M/s.S.Sathya Chidambaram,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

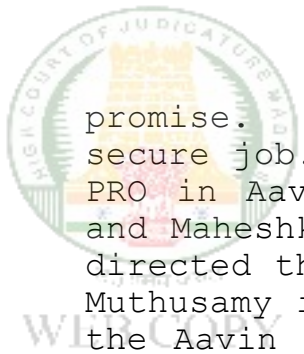
For Anticipatory Bail in crime no 3 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 & 420 IPC in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The petitioner herein is A3 in a complaint filed by one Dansilin alleging that the first accused Sasikumar and his wife Shanthi/second accused promising to get Assistant Manager post in Aavin demanded a sum of Rs.6,00,000/- and Rs.2,50,000/- was paid in three installments by him. Similarly, they have received a sum of Rs.6,00,000/- from one Mahesh Kumar and one Tamilmaran on same



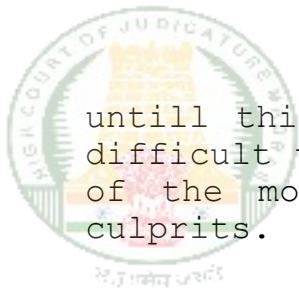
promise. After receiving several lakhs from them, they did not secure job. During the month of October 2018, A4-Muthusamy, who is PRO in Aavin Office, at Madavaram, called the defacto complainant and Maheshkumar and Tamilmaran, who have paid money for the job and directed them to come to Chennai. After 5 days of stay at Chennai, Muthusamy informed them that they will be called for interview from the Aavin Office later. Likewise, on several occasions, Sasikumar used to take them to Chennai and Muthusamy will say some excuses and sent them back. A1 Sasikumar informed that the fourth accused Karthikeyan, who is the petitioner herein will take them to meet the fourth accused. The accused persons are the employee of the Aavin and they made the defacto complainant to believe that they have high contact with IAS officers and politicians and they can secure job at Aavin. Based on the promise, several lakhs was given to the accused persons.

4. Based on the complaint, the Inspector of Police, District Crime Branch, Karur has registered a case under Sections 406 & 420 IPC against four accused, out of which, 2 accused have approached this Court and anticipatory bail was granted to them on condition to deposit a sum of Rs.3,50,000/- in the crime account. While the third accused filed this petition seeking anticipatory bail contenting that he has not received any money from the defacto complainant and other aspirants and it was only A1, who have been collected money from the victims. The petitioner is about to transfer to Chennai to meet Muthusamy and this will not constituted any offence and hence, anticipatory bail has to be granted to the petitioner.

5. FIR indicates that accused persons have informed the defacto complainant that if he give a sum of Rs.6,00,000/-, they can secure the Assistant Manager job in Aavin. The defacto complainant, Tamilmaran and Maheshkumar have gave money believing the above said promise. Now the investigation reveals that around a sum of Rs.5,58,000/- was transferred from the account of A1 to the account of A3, who is the petitioner herein.

6. The learned counsel appearing for the petitioner would submit that subsequent to the registratin of FIR, the petitioner has repaid a sum of Rs.5,20,000/- to A1.

7. Whether he has repaid the money is a matter for investigation. There is *prima facie* material to show that the crime has been committed by the third accused/petitioner. No doubt, this Court has granted anticipatory bail to A1 and A2 on condition to deposit a sum of Rs.3,50,000/-. On going through the materials collected during the investigation, this Court finds that unless and



untill this petitioner/A3 and other acccused A4 are secured, it is difficult to proceed further. More particularly, deposit of portion of the money will not help the investigation to find the real culprits. Hence, this criminal original petition is dismissed.

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

TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.3993 of 2020
Date :05/03/2020

ME/VR/SAR 2/11.03.2020/3P/3C