



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/07/2020

PRESENT

WEB COPY

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7564 of 2020

1. Kavitha
2. Veni @ Krishnaveni

... Petitioners/Accused No.2&3

Vs

The State rep. by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Cr.No. 341 of 2020.

... Respondent/Complainant

For Petitioner : M/s.K.Sanjay Ganthi,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

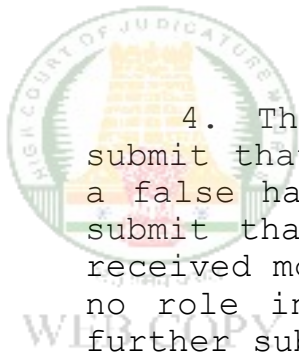
For Anticipatory Bail in Crime No. 341 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as accused Nos.2 & 3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 294(b) & 506(i) of IPC, in Crime No.341 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that this is a case of Job racket. The allegation against the petitioners is that the petitioners along with A-1 have received a sum of Rs.2,70,000/- (Rupees Two Lakhs Seventy Thousand Only) from the defacto complainant for the purpose of getting a job in the Government Department and the petitioners failed to do so. Subsequently, the petitioners have refused to hand over the money to the defacto complainant and while questioning by him, the petitioners have abused the defacto complainant using filthy language and also threatened him with dire consequences. Hence the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side).



4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to previous motive a false has been foisted against the petitioners. He would further submit that only A-1 in this case has promised to get a job and received money from the defacto complainant and the petitioners have no role in the alleged crime. However, on instructions, he would further submit that the petitioners will voluntarily come forward to deposit a sum of Rs.50,000/-each(Rupees Fifty Thousand Only), totally to the tune of Rs.1 Lakh to the credit of Crime No.341 of 2020 on the file of the respondent police.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that the petitioners along with A-1 have promised to get a job and received a sum of Rs.2,70,000/-from the defacto complainant.

6. Considering the facts and circumstances of the case and considering the rival submissions, the petitioners are being ladies and these petitioners said to have introduced the defacto complainant to A-1 and also having no other role in this crime. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only)each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 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 are directed to deposit a sum of Rs.50,000/-each (Rupees Fifty Thousand Only), totally to the tune of Rs.1 Lakh to the credit of Crime No.341 of 2020 on the file of the respondent police.

(c) the petitioners shall report before the respondent police 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7564 of 2020
Date :29/07/2020

KSA

<https://hservices.ecourts.gov.in/hservices/> SPS/ BN/ SAR-IT/ 31.07.2020/ 3P/5C