



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

Date : 12/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.7718 of 2020

1. A.Jerold
2. K.Jeyachitra
3. Sarojadevi

... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.1412 of 2020.

... Respondent/Complainant

Ponnan

... Petitioner/ Intervener

For Petitioners: M/s.A.Joel Paul Antony, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervener : Mr.M.Saravanan, Advocate

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

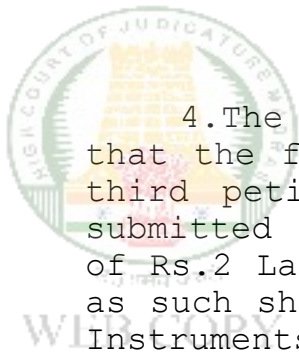
PRAYER :- To Anticipatory Bail in Cr.No. 1412 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 to A-3 apprehending arrest at the hands of the respondent police for the offences punishable under section 420 of I.P.C., in Crime No.1412 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners said to have received a sum of Rs.8 lakhs from the defacto complainant for getting a job in Government School to the defacto complainant's daughter. Thereafter, they failed to get job and also refused to repay the said amount. Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that the first and second petitioners are husband and wife and the third petitioner is mother of the second petitioner. He further submitted that the second petitioner has issued a cheque for a sum of Rs.2 Lakhs and the same was returned as 'insufficient funds' and as such she is facing a proceedings under Section 138 of Negotiable Instruments Act in the court below. He further submitted that a sum of Rs.2 Lakhs also paid to the defacto complainant and remaining amount is disputed. Hence, he seek anticipatory bail.

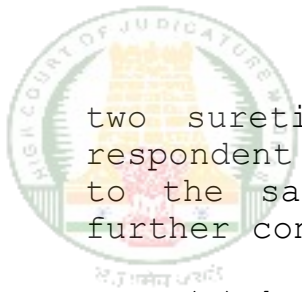
5. The learned counsel appearing for the intervener submitted that the defacto complainant's daughter has qualified to be appointed as teacher and utilising the said position of the defacto complainant, the petitioners said to have received a sum of Rs. 8 lakhs and thereafter, they did not obtain any job and also refused the return the amount and the same was questioned by the victim and lodged the present complaint. He further submitted that, thereafter, they returned a sum of Rs.2 lakhs and the remaining amount of Rs.6 lakhs they agreed to return the same by way of three installments and in respect of first installment the second petitioner has issued a cheque for Rs.2 lakhs and the same was returned and dishonoured for the payment stopped by her and therefore, cheated the defacto complainant to the tune of Rs.6 lakhs.

6. Heard the learned Government Advocate (crl. Side) appearing for the respondent police.

7. It is seen from the records that there are totally three accused in this case. The first petitioner along with other accused persons said to have approached the defacto complainant to get a job to his daughter for the post of teacher and received a sum of Rs.8 lakhs. Thereafter, they failed to get a job and also failed to repay the amount and also agreed to return the remaining amount and issued cheques. When the cheque was presented for collection and the same was returned and dishonoured for the payment stopped by the drawer. Now the second petitioner is also facing the proceedings under Section 138 of N.I. Act.

8. Considering the facts and circumstances of the case this Court is not inclined to grant bail to the first petitioner herein/A-1 and this Court is inclined to grant bail to the petitioner Nos.2 & 3 herein/A-2 & A-3 with certain conditions.

9. Accordingly, the Criminal Original Petition is partly allowed and the petition is dismissed as against the first petitioner/A-1 and the petitioner Nos.2 & 3 are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy District, on condition that the petitioner Nos. 2 & 3 shall execute a bond of Rs.10,000/- (Rupees Ten 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 petitioner Nos.2 & 3 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 report before the respondent police daily at 10.30 a.m., without fail for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner Nos. 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner Nos. 2 & 3 shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner Nos. 2 & 3 in accordance with law as if the conditions have been imposed and the petitioner Nos. 2 & 3 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;

(f) if the accused/petitioner Nos.2&3 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/10/2020

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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, MANAPPARAI, TRICHY DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-6943[I] dated 13/10/2020)

ORDER IN

CRL OP(MD) No.7718 of 2020

Date :12/10/2020