



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . Nos.7871, 7881 & 7889 of 2020

T.Arulmozhi

... Petitioner/Accused No.3
in all three petitions

Vs

The State rep. by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.

... Respondent/Complainant
in all three petitions
in CRL OP(MD) . Nos.7871/2020
in CRL OP(MD) . Nos.7881/2020
in CRL OP(MD) . Nos.7889/2020

Cr.No.1328/2020

Cr.No.1433/2020

Cr.No.1444/2020.

For all three Crl.OPs.

For Petitioner : M/s.A.Selvendran,
Advocate.

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

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

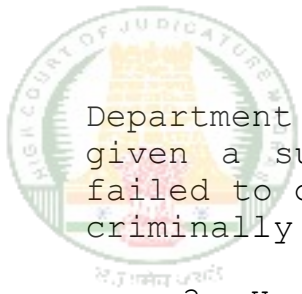
COMMON PRAYER :-

For Anticipatory Bail in Cr.Nos.1328, 1433 & 1444 of 2020 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner who arrayed as accused No.3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 420, 120(b), 352 & 506(i) of I.P.C., in Crime Nos.1328, 1433 & 1444 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is A-3 and she is a wife of A-1 and mother of A-2. This is a case of job racket. The allegation against the petitioner is that A1 has promised to the defacto complainant to get a job in the Government



Department and based on a false promise the defacto complainant has given a sum of Rs.14 Lakhs, Rs.5 lakhs and Rs.16 Lakhs, but he failed to do so. A-1 & A-2 have refused to repay the amount and also criminally intimidated the defacto complainant. Hence the complaint.

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

4. The learned counsel appearing for the petitioner contended that the petitioner is innocent person and the allegation against the petitioner is that at the time of receiving money the petitioner was also present. He would further submit that A-1 asked the petitioner to keep the money in locker and the petitioner has absolutely no role in it. He further contended that and A-1 & A-2 were detained as Goondas, under Act 14 of 1982. The only allegation against the petitioner is that she was present at the time of receiving money by A-1 & A-2. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that this is a case of job racket. The petitioner is wife of A-1 and mother of A-2 and that apart A-1 & A-2 were detained as Goondas, under Act 14 of 1982.

6. Considering the facts and circumstances of the case and on perusal of the First Information Report and other material documents available on record it would seen that A-1 A-2 said to have received money from the defacto complainant and the allegation against the petitioner is that at the time of receiving money by A-1, she was present and A-1 has handed over the money to the petitioner to count and keep it in locker. There is no allegation of demand and also conspired with A-1 & A-2 in the crime. Considering the fact that the petitioner is being a lady aged about 60 years, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Pattukkottai, and on her executing a separate bond in Crime Nos.1328, 1433 & 1444 of 2020 for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.



[d] 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 herself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/07/2020

/ TRUE COPY /

/ /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,
PATTUKKOTTAI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7871, 7881 &
7889 of 2020
Date :29/07/2020

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<https://hccs.ecourts.gov.in/CaseFiles/> 31.07.2020/ 3P/5C