



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8145 of 2020

1. D.Ellison Frank

2. E.Sujatha

... Petitioners/Accused No.1&2

Vs

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

Cr.No.1353 of 2020.

... Respondent/Complainant

For Petitioners: Mr.A.Selvendran, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1353 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 420, 120(B), 323 and 506(ii) of IPC, in Crime No.1353 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are pastors and on promise to get a job in Cooperative Agricultural Society, the petitioners have received a sum of Rs.5,50,000/- from the defacto complainant. Thereafter, the petitioners neither secured job and nor repaid the amount. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioners submitted that both the petitioners and the defacto complainant are pastors. He further submitted that due to previous enmity, the petitioners



have been falsely implicated in this case. According to them, the petitioners have received a sum of Rs.2,00,000/- for the purpose of conducting the prayer meeting. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the defacto complaint said to have sent money to the petitioners' account for the purpose of getting job. Subsequently, the petitioners did not secure job and failed to repay the said amount. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the fact that both the petitioners and the defacto complainant are pastors and the petitioners said to have received a sum of Rs.2,00,000/- for the purpose of conducting the prayer meeting and there is no other serious allegation against the petitioners, hence, I am 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, Pattukkotai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

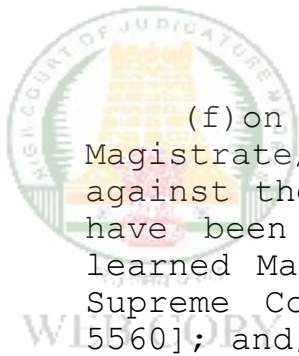
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners are directed to jointly deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.1353 of 2020 before the learned Judicial Magistrate, Pattukkotai, Thanjavur District, within a period of two weeks without prejudice to their rights and contentions before the trial Court ;

(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/-
02/09/2020

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

ORDER
IN
CRL OP(MD) No.8145 of 2020
Date : 02/09/2020

VSG
SRS/ VR/ SAR-II/ 04.09.2020/ 3P/5C

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