



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.8876 of 2020

1. S.Pitchaipandi
2. P.Sureshpandi @ Suresh ... Petitioners/A-1 & A-2

Vs

State Rep.by
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Cr.No.1265 of 2020) ... Respondent/Complainant

For Petitioners: M/s.A.K.Manickam,
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.1265 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners are arrayed as A-1 and A-2 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 420 of I.P.C., in Crime No.1265 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that in the year 2014, the petitioners said to have received a sum of Rs.2,42,000/- from the de-facto complainant by making a false promise that they would get a job in the Tamil Nadu State Transport Corporation. But they failed to repay the amount and the de-facto complainant demanded money, in which, the petitioners said to have criminally intimidated the de-facto complainant. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the first petitioner is also a victim in this case. They only introduced the de-facto complainant to one Sekar and the petitioners also paid money to one Sekar who was working as a Conductor in the said Transport Corporation for getting a job and he had cheated the petitioners. Therefore, the petitioners given a complaint against the said Sekar. Insofar as this case is concerned, the petitioners are only introduced the de-facto complainant to Sekar and they never received money from the de-facto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioners received money from the de-facto complainant for getting job and thereafter, they neither secured a job nor refunded the money. Hence, the crime was registered.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence was said to have taken place in the year 2014 and it is also stated that the petitioners has given the money to Sekar and the first petitioner is also a victim in this case and he also been cheated by the said Sekar, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam 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 shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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;

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

sd/-
02/09/2020

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

ORDER
IN
CRL OP(MD) No.8876 of 2020
Date : 02/09/2020

MS/AKM/SAR-2/07.09.2020/3P.5C