



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD).No.9742 of 2020

Karthikeyan

... Petitioner/Petitioner/
Accused No.1

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Karur District.
Crime No.3 of 2020.

... Respondent/Respondent/
Complainant

For Petitioner : Mr.S.Sathya Chidambaram,
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.3 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC, in Crime No.3 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that this is a case of job racketing. The allegation is that all the accused collected a sum of Rs.8.50 lakhs from the defacto complainant for getting a job in 'Aavin'. But they failed neither to get a job nor return the money. Hence, a present complaint has been filed.

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

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4.The learned counsel appearing for the petitioner submitted that the petitioner is only a friend of A1, and A1 has received the entire amount and he has not paid any amount to the petitioner. That apart, earlier A1 has filed a complaint against the petitioner and the petitioner has repaid a sum of Rs.5,20,000/- to A1. Hence, no amount with him. He further submitted that A1 and A2 got anticipatory bail by this Court. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that all the petitioners received the amount from the defacto complainant and repaid the same. Earlier A1 given a complaint against the petitioner, the petitioner repaid the entire amount. He further submitted that investigation in this case is still pending. He also submitted that A1 and A2 got anticipatory bail on condition to deposit a sum of Rs.3,50,000/-(Rupees Three lakhs fifty thousand only).

6.Considering the facts and circumstances of the case and also considering the fact that A1 and A2 had already been released on anticipatory bail, on condition to deposit a sum of Rs.3,50,000/-(Rupees Three lakhs fifty thousand only) to the crime account, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, Karur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 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 is directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs Only) to the credit of Crime No.3 of 2020, before the learned Judicial Magistrate No.I, Karur, Karur District, without prejudice to their rights and contentions before the trial Court;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness
<https://hccservicescourtsup.in/hccservices> investigation or trial;



(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/09/2020

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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 NO.I,
KARUR, KARUR DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9742 of 2020
Date :16/09/2020

SD

<https://hccs.es.ecm.gov.in/AdServices/> 21.09.2020/ 3P/5C