



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) No.9734 of 2020

1. Rajamanickam
2. Chithrakala
3. Velmurugan
4. Ansa
5. Valyalur Kumaran @ Vayalur Murugan

... Petitioners1-5/Accused 1-5

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai,
Pudukkottai District.
Crime No. 8 of 2020).

... Respondent/Complainant

For Petitioners : M/s.K.C.Maniyarasu,
Advocate.

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

For Intervener : Mr.Poorna Chandran, Advocate

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

PRAYER :- For an Anticipatory Bail in Crime No.08 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-5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 506(i), 447, 44 & 420 of I.P.C., in Crime No.8 of 2020 on the file of the respondent police, seek anticipatory bail.

2. It is a case for job racketing. Totally there are seven accused in this case and the petitioners are arrayed as accused Nos.1 to 5. On 08.02.2016, the petitioners said to have received a sum of Rs.8 Lakhs from the defacto complainant for the purpose of



getting job for his son, but, they failed to get the job as assured and refused to repay the amount. Hence, the complaint.

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

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4. The learned counsel appearing for the petitioners would submit that, earlier these petitioners said to have introduced A-6 to the defacto complainant and on false promise, A-1 and A-6 said to have received a sum of Rs.8 lakhs from the defacto complainant for getting a job to his son and failed to repay the money. Subsequently, on compromise an agreement was entered into between A-1 & A-2 and the defacto complainant on 04.06.2020. He would further submit that as per agreement the petitioners have paid Rs.2.5 Lakhs and also given a TATA Sumo car bearing registration No.TN-55-AD-3030 to the defacto complainant on condition that on payment of remaining amount the car will be returned to the A-1 & A-2 and now, the TATA Sumo Car is in custody of the defacto complainant. Hence, he seeks anticipatory bail.

5. The learned counsel appearing for the intervener would submit that a compromise agreement was entered between the parties and A-1 has also paid a sum of Rs.2.5 lakhs and the TATA Sumo was also given to the defacto complainant and he is in still possession of the car.

6. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

7. Considering the rival submissions and taking into consideration of the above compromise arrived between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 No.II, Pudukkottai, 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 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 accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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.II, PUDUKKOTTAI.
2. DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9734 of 2020

Date :17/09/2020

KSA

TE/AKM/SAR-II : 24/09/2020 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>