



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11252 of 2020

1. Sethu
2. Kannan
3. Sudha

... Petitioners/Accused No.1 to 3

Vs

The Inspector of Police,
E-1, K. Pudur Police Station,
Madurai.
(Crime No.1852 of 2020)

... Respondent/Complainant

For Petitioners : M/s.G.Sankaranarayanan,
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. 1852 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-1 to A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 406, 420 & 506(i) of IPC, in Crime No.1852 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is Ex-employee of A-1 and A-1 was running Man-power agency. Due to financial crisis of A-1, the defacto complainant gave a sum of Rs.6 lakhs for getting a job in abroad. Thereafter, A-1 & A-2 transferred the said amount to A-3 and also failed to get job in abroad to the defacto complainant. Thereafter, they also refused to return back the amount and A-3 threatened the defacto complainant with dire consequences. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

4. The learned Government Advocate (crl. Side) appearing for the respondent police submitted that totally there are three accused and there are eight previous cases pending against the first petitioner/A-1 and there are seven previous cases pending against the second petitioner/A-2 and the offences are similar in nature and insofar as the third petitioner herein/A-3 is concerned there is no previous case pending. He further submitted that the allegation against the third petitioner is concerned the amount collected from the defacto complainant has been handed over to the third petitioner/A-3 and she only threatened the defacto complainant with dire consequences.

5. Considering the facts and circumstances of the case and considering the fact that there are eight previous cases pending against the first petitioner/A-1 and there are seven previous cases pending against the second petitioner herein/A-2 and the offences are similar in nature, this Court is not inclined to grant anticipatory bail to the petitioner Nos.1 & 2/A-1 & A-2.

6. The third petitioner/A-3 is concerned, she is being a lady and only the allegation against the third petitioner is that she threatened the defacto complainant and hence, this Court is inclined to grant anticipatory bail to the third petitioner/A-3 herein with certain conditions.

7. Accordingly, the Criminal Original Petition is partly allowed and the petition is dismissed as against the first and second petitioner herein/A-1 & A-2 and the third petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the third petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)each with two blood 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 third 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 third petitioner is directed to deposit a sum of Rs.2 Lakhs to the credit of Crime No.1852 of 2020 before the concerned Magistrate Court, within a period of four weeks, without prejudice his rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c) the third petitioner shall report before the respondent police daily at 10.30 a.m., without fail, for a period of two weeks and thereafter as and when required for interrogation;

(d) the third petitioner shall not tamper with evidence or witness either during investigation or trial;

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

sd/-

15/10/2020

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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.VI, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
E-1, K. PUDUR POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11252 of 2020

Date :15/10/2020

KSA

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

TE/SMA/SAR-111 : 29/10/2020 : 3P/5C