



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/10/2020

PRESENT

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

CRL OP(MD). No.10610 of 2020

1.K.Saravana Kumar
2.Muthuraj @ Muthuayyarappan

... Petitioners/Accused
Nos.1 & 2

Vs

The State of Tamilnadu
Rep.by its Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
Crime No.5 of 2020.

... Respondent/Complainant

For Petitioners : Mr.G.Radhakrishnan,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.5 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 of I.P.C., in Crime No.5 of 2020 on the file of the respondent police, seek anticipatory bail.

2. It is the case of job racketing. The petitioners herein had received a sum of Rs.56,000/- from the defacto complainant. Further they also received her son's passport. Thereafter, neither the petitioners arranged the job nor repaid the amount to the defacto complainant. Hence, the complainant.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed to
<https://hcservices.edcourts.gov.in/hcservices/> anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted It is the case of job racketing. The petitioners herein had received a sum of Rs.1,56,000/- from the defacto complainant. Further they also received her son's passport. Neither the petitioners arranged the job nor repaid the amount to the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 Court, Vilathikulam, Thoothukudi 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 shall deposit a sum of Rs.1,56,000/- (Rupees One lakh and Fifty Six Thousand only) to the defacto complainant by way of demand deaft within a period of two weeks and further the petitioners shall return the original passport to the defacto complainant forthwith. Failing which, this order shall stand automatically cancelled.

(b) 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;

(c)the petitioners shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of two weeks and thereafter as on 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 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

<https://hccourts.courts.gov.in/Kse/Sec/11> *Govindarajan P. In/ Kse/Sec/11* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
07/10/2020

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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,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10610 of 2020
Date :07/10/2020

DSS
TK/SMA/SAR.2/12.10.2020/3P/5C