



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

Date : 13/10/2020

PRESENT

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

**CRL OP(MD) .No.10633 of 2020**

1.Pandiyammal  
2.Ganapathi

... Petitioners/Accused Nos.1 & 2

Vs

State represented by  
The Inspector of Police,  
DCB, Madurai,  
Madurai District.  
(Crime No.37 of 2019)

... Respondent/Complainant

For Petitioners: Mr.P.Thambidurai,  
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 Cr.No.37 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 420, 406 & 506(i) IPC, in Crime No.37 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there are totally three accused, in which the petitioners are arrayed as A1 and A2. The petitioners promised the defacto complainant to get a Government job and received a sum of Rs.7,00,000/-. Thereby, they failed to obtain any job and also refused to return the money. Hence, the case has been registered.



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

4. The learned counsel appearing for the petitioners submitted that the defacto complainant and the petitioners are cheated by one Santhosh and also the second petitioner lodged a complaint against him and the same was registered in Crime No.1 of 2018 for the very same set of allegation. However, to show their bonafide the petitioners are ready and willing to deposit the substantial amount.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this is the case of job racketing. This petitioners and other accused persons insisted the defacto complainant to get Government job and received a sum of Rs.7,00,000/-, thereby, they have cheated the defacto complainant and refused to return back the said amount.

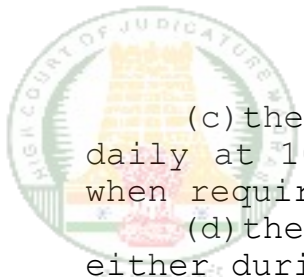
6. It is seen that there are totally three accused, in which, the petitioners are arrayed as A1 and A2. They have insisted the defacto complainant to get a Government job and received a sum of Rs.7,00,000/- and they have failed to get a job and refused to return the amount, which was paid by the defacto complainant. Now the learned counsel for the petitioner would submit that the petitioners are ready and willing to deposit the substantial amount to the defacto complainant.

7. Considering the above facts and circumstances of the case, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, out of which one shall be a blood related surety, 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 are directed to pay a sum of Rs.2,00,000/- (Rupees Two lakhs only) jointly to the defacto complainant and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;



(c)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and 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 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;

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

sd/-

13/10/2020

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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.II, USILAMPATTI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,  
DCB, MADURAI, MADURAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.THAMBI DURAI, Advocate ( SR-6967[I] dated 13/10/2020 )

ORDER IN

CRL OP(MD) No.10633 of 2020

Date :13/10/2020

vsd

<https://hccs.judges.org.in/cases/13.10.2020> 3P 6C