



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

Date : 06/10/2020

PRESENT

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

CRL OP(MD) .No.10866 of 2020

1.Ramdoss
2.Selvi @ Muthuselvi ...Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police (Crime),
Thallakulam Police Station,
Madurai City.
(Crime No.958 of 2015) ... Respondent/Complainant

For Petitioners : Mr.K.Sathish Kumar,
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.958 of 2015 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 406 and 420 IPC, in Crime No.958 of 2015 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have received a sum of Rs.1,60,000/- from the defacto complainant to get a job of Watchman. Thereafter, the defacto complainant appointed as Office Assistant in the private sector on condition that the accused persons will get transfer to the defacto complainant from Sivagangai Samasthanam to Madurai Balamandhir School. Thereafter, the petitioner failed to get transfer to the defacto complainant. 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 counsel appearing for the petitioners submitted that the first petitioner is the friend of the defacto complainant and he is working as mason and the second petitioner is the wife of the first petitioner. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the case was registered in the year 2015. Now the petitioners apprehend arrest at the hands of the respondent herein. Even according to the defacto complainant after joining job on 01.10.2014 as per the undertaking given by the petitioner, they did not get transfer to the defacto complainant from Sivagangai Samasthanam to Madurai Balamandhir School.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

7. 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.2, Madurai, 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 first petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of three Weeks and thereafter as on when required for interrogation and the second petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall report before the respondent police 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/-
06/10/2020

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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.2, MADURAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE (CRIME),
THALLAKULAM POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10866 of 2020
Date : 06/10/2020

vsd
AE/SMA/SAR-II (08.10.2020) 3P 5C