



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/10/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.11442 of 2020

1. Selvakumar
2. C.Sankar

... Petitioners/A-4 & A-5

Vs

State rep.by
The Inspector of Police,
Athanakottai Police Station,
Pudukottai District.
Crime No. 2 of 2020.

... Respondent/Complainant

For Petitioners : M/s.G.R.Satish,
Advocate.

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

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

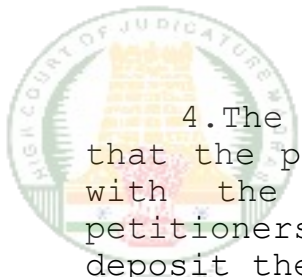
PRAYER :- For Anticipatory Bail in Crime No.02 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A-4 & A-5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120B, 406 & 420 of IPC, in Crime No.2 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons have collected a sum of Rs.3,50,000/-(Rupees Three Lakhs Fifty Thousand Only) from the defacto complainant for arranging a job in abroad. After receipt of the entire amount the accused persons failed to get a job to the defacto complainant and also refused to return the amount. 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 petitioners are arrayed as A-4 & A-5 and no way connected with the alleged occurrence. He further submitted that the petitioners to show their bonafidy, they are ready and willing to deposit the amount. Hence, he seek anticipatory bail.

WEB COPY

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the accused persons said to have collected a sum of Rs.3,50,000/-from the defacto complainant for arranging job in abroad and thereafter, they failed to do so and the accused persons repaid a sum of Rs.1,20,000/-to the defacto complainant and the remaining amount is Rs.2,30,000/-.

6.Considering the rival submissions, and also considering the fact that the petitioners are willing to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Kandarovakottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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;

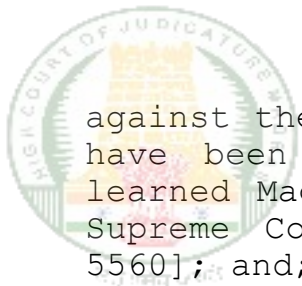
(b)the petitioners are directed to deposit a sum of Rs.75,000/- each, to the credit of Crime No.2 of 2020 without prejudice their rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;

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

WEB COPY

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

sd/-

15/10/2020

/ TRUE COPY /

/ /2020

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, KANDARVAKOTTAI.

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

3.THE INSPECTOR OF POLICE,
ATHANAKOTTAI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.G.R.SATISH, Advocate (SR-7085[I] dated 16/10/2020)

ORDER

IN

CRL OP(MD) No.11442 of 2020

Date :15/10/2020

KSA

AE/SMA/SAR-IV (29.10.2020) 3P 6C