



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

PRESENT

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

CRL OP(MD). No.13181 of 2020

Rajapandi

... Petitioner/3rd Accused

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar District.
Crime No.10 of 2020.

... Respondent/Complainant

Kannan

... Petitioner/Intervener
in CRL.MP(MD)No.6348/2020
in CRL OP(MD)No.13181/2020

For Petitioner : Mr.Prabhu Rajadurai for
M/s.M.S.Jeyakarthik, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervener : Mr.S.Ramasamy, Advocate

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

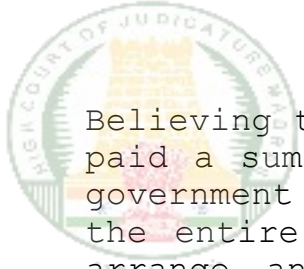
PRAYER :-

For Anticipatory Bail in Crime No.10 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406 and 420 of IPC seeks anticipatory bail.

2.The case of the prosecution is that the petitioner being a driver in the police department, introduced A1 and A2, who are his relatives, to the defacto complainant. Thereafter, A1 and A2 became close friends of defacto complainant and they have uttered the words that they are having political influence and they can get government job and government contracts.



Believing their words, the defacto complainant and the other victims paid a sum of Rs.2,73,50,000/- for getting government job and also government contracts from the government department. After receiving the entire amount, the accused persons did not obtain any job and arrange any contracts to the defacto complainant and the other victims. Hence, the complaint.

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

4. The learned counsel appearing for the petitioner submitted that there are totally three accused in which, the petitioner arrayed as A3. Even according to the case of the prosecution, he is a driver of Deputy Superintendent of Police, and he only introduced A1 & A2 to the victims. The petitioner did not collect any amount as alleged by the prosecution and as such, the custodial interrogation of the petitioner does not require and there is no specific overt act as against the petitioner. Hence, he seeks anticipatory bail to the petitioner.

5. Per contra, the learned counsel appearing on behalf of the defacto complainant/Intervener would submit that the defacto complainant is the Grade-1 contractor in Tamil Nadu Government. While being so, the 3rd accused viz., the petitioner herein, who is working as a driver under the Deputy Superintendent of Police introduced his relatives A1 and A2 as if, they are working as Public Relation Officer (PRO) in Chennai and they acquainted with many top government officials and they can get job in the government department. Further, they assured that they can get contracts as well as the government job by paying sufficient amount. Believing their words, the victims along with the petitioner paid a sum of Rs.2,73,50,000/- in various dates through bank and also by cash to the accused persons for getting government job as well as the government contracts from the government departments. Thereafter, they could not get any job or contracts and also refused to return back the amount which was collected from the victims. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner being a driver in the police department, he introduced A1 and A2, who are his relatives, to the defacto complainant. Thereafter, A1 and A2 became close friends of defacto complainant and they have uttered the words that they are having political influence and they can get government job and government contracts. Believing their words, the defacto complainant and the other victims paid a sum of Rs.2,73,50,000/- for getting government job and also government contracts from the government department. After receiving the entire amount, the accused persons did not obtain any job or arrange any contracts to the defacto complainant and the other victims. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



7. It is seen that there are three accused. Even according to the case of the prosecution, the petitioner only introduced A1 & A2 to the victims. They assured that they will get government job and government contracts in the government department, since they had acquainted with the police officials and the top government officers. Believing their words, the defacto complainant and the other victims paid a sum of Rs.75 lakhs. After receipt of the same, they cheated the defacto complainant and other victims and they did not arrange any job for them. Insofar as the petitioner is concerned, he is introduced A1 & A2 to the victims. However, the learned counsel for the petitioner is ready and willing to deposit title deed worth of substantiate amount.

8. Considering the above submission, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall deposit the original title deed stands in the name of the petitioner or his relatives or his friends, not less than the value of Rs.75 lakhs (Rupees Seventy Five Lakhs) with the proper valuation certificate issued by the authorities concerned to the credit of Crime No.10 of 2020 on the file of the learned Judicial Magistrate II, Virudhunagar, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt a copy of this order, before the learned Judicial Magistrate II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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:

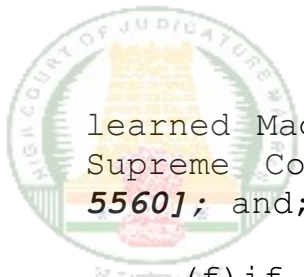
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

sd/-
01/12/2020

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/ /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 No.II, VIRUDHUNAGAR.
2. DO-THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7828[I] dated 02/12/2020)

ORDER
IN
CRL OP(MD) No.13181 of 2020
Date :01/12/2020

DSS
TE/AKM/SAR-III : 09/12/2020 : 4P/6C