



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

Date : 07/12/2020

PRESENT

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

CRL OP(MD). No.13457 of 2020

1.R.Kalaiselvi
2.S.Palraj

... Petitioners/Accused
No.2 and 3

Vs

The State rep.by
The Inspector of Police,
C-2,Subramaniapuram Police Station(Crime),
Madurai City.
Crime No.1486 of 2020.

... Respondent/Complainant

For Petitioners : Mr.J.Parekhkumar,
Advocate.

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

For Intervenor : Mr.S.Ravi, Advocate

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

PRAYER :-

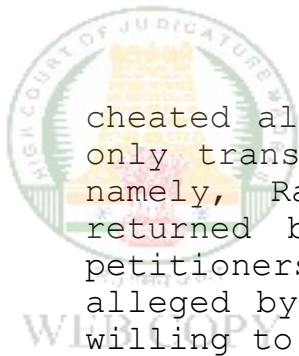
For Anticipatory Bail in Crime No.1486 of 2020 on the file of
the Respondent Police

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,
406 and 506(i) of I.P.C., in Crime No.1486 of 2020, on the file of
the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused persons received a sum of Rs.6,50,000/- from three
victims to get job in TANGEDCO. After receiving the same, they fail
to get job and refused to return the said amount.

3.The learned counsel for the petitioner submitted that the
petitioners are arrayed as A2 and A3. The first petitioner's
husband is the first accused. Even according to the prosecution one
of the petitioners collected the amount from the victims and thereafter, he



cheated all the victims. He also died. A sum of Rs.50,000/- was only transferred to the account of the first petitioner's husband namely, Rameshkannan and thereafter, the said amount was also returned back to the account of said Anburaj. Therefore, the petitioners are no way connected with the present complaint as alleged by the prosecution. However, the petitioner are ready and willing to deposit a sum of Rs.50,000/- each to show their bonafide.

4.The learned counsel for the defacto complainant/intervener submitted that the victims paid a sum of Rs.6,50,000/- to the first accused namely, Rameshkannan who is the husband of the first petitioner/A2 to get a job in TANGEDCO. After receipt of the said amount, they did not get job in TANGEDCO for the victims and refused to return back the said amount, which was received by them. He further submitted that A2 and A3 are close relatives of A1 and they are also equally responsible for the offence.

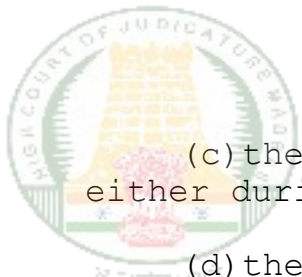
5.The learned Government Advocate (Crl. Side) submitted that there are totally three accused in which the petitioners arrayed as A2 and A3. They along with A1 collected a sum of Rs.6,50,000/- from three victims to get a job in TANGDECO. Thereafter, they fail to get any job and also refused to return amount to the victims.

6.Considering the facts and circumstances of the case and the fact that the petitioners are ready to pay a substantial amount to the victims, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall jointly pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) to Sarayana, a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) to Prakash and a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to Dhanam directly and on producing of acknowledgement, 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 Judicial Magistrate No.IV, Madurai, 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 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.



(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 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/-
07/12/2020

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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.IV, MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
C-2,SUBRAMANIAPURAM POLICE STATION(CRIME) ,
MADURAI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.PAREKH KUMAR, Advocate (SR-7947[I] dated 07/12/2020)

ORDER
IN
CRL OP(MD) No.13457 of 2020
Date :07/12/2020

IAS
TK/PN/SAR.3/09.12.2020/3P/6C

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