



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13802 of 2020

Arunbalan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
(Crime No.133 of 2016)

... Respondent/Complainant

For Petitioner : M/s.S.Saravagan Prabhu,
Advocate.

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

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

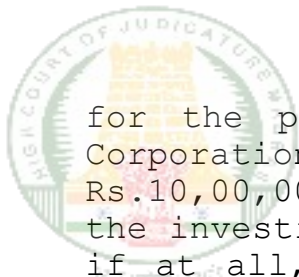
PRAYER :- For an Anticipatory Bail in Crime No.133 of 2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(i) of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the first accused received a sum of Rs.6,30,000/- from the defacto complainant, promised to get a job for the post of Assistant Engineer in the Tamil Nadu Transport Corporation. Further alleged that A2 introduced himself as a personal assistant to the Transport Minister by A1 to the defacto complainant and believing the said word, the defacto complainant paid another sum of Rs.10,00,000/- to A2 for getting the job. Thereafter, A1 and A2 failed to get any job and also refused to repay the amount.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 and the crime of the year 2016. Even, accordingly to the prosecution is that the defacto complainant paid a sum of Rs.6,30,000/- to A1, promised to get a job



for the post of Assistant Engineer in the Tamil Nadu Transport Corporation and thereafter, the defacto complainant paid a sum of Rs.10,00,000/- to the petitioner/A2. Now, the respondent completed the investigation and also about to file a final report. Therefore, if at all, the petitioner involved in this case, they would have taken steps as against the petitioner also, but, now, only he was informed that the crime is registered as against him and hence, he apprehends arrest at the hands of the respondent.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that totally there are five accused, in which the petitioner is arrayed as A2. Accordingly to the defacto complainant, for getting the post of Assistant Engineer in the Transport Corporation, A1 received a sum of Rs.6,30,000/- from the defacto complainant. Thereafter, A1 had introduced A2, who is the personal assistant of the Transport Minister. Thereafter, the defacto complainant also paid a sum of Rs.10,00,000/- to A2. After receipt of the total sum of Rs.16,30,000/- the accused persons failed to provide any job to the defacto complainant and also refused to return back the said money.

5.It is seen that there are totally five accused, in which, the petitioner is arrayed as A2. According to the defacto complainant, he paid a sum of Rs.6,30,000/- to A1 and a sum of Rs.10,00,000/- to A2 for getting a job for the post Assistant Engineer. Now, the respondent completed the investigation and about to file a final report. Considering the above facts and circumstances of the case and also the crime of the year 2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 p.m for a period of four weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness or interfere during investigation or trial.



(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
02/12/2020

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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,
SATTUR, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13802 of 2020
Date :02/12/2020

MS/PN/SAR-2/07.12.2020/3P.5C