



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

Date : 14/12/2020

PRESENT

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

CRL OP(MD).No.14644 of 2020

S.Rameshkannan ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
C2 - Subramaniapuram Police Station (Crime),
Madurai City.
(Cr.No.1486 of 2020) ... Respondent/Complainant

For Petitioner : Mr.J.Parekhkumar,
Advocate.
For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)
For Intervenor : Mr.M.Muthumanikam,
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 petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offence punishable under sections 420, 406 and 506(i) IPC, in Crime No.1486 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely one Sivakumar was cheated a sum of Rs.3,50,000/- and two other relatives of him were also cheated a sum of Rs.1,00,000/- and Rs.2,00,000/- respectively by the first accused namely Rameshkannan in order to obtain Government job. Hence, the case has been registered.



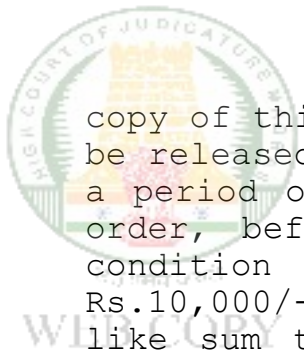
3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner herein implicated in the above said crime with *mala fide* intension. The petitioner is no way connected to the said alleged offence. He never obtained any money from anybody for getting employment in Government Departments. It is further submitted that the petitioner is working at Tamil Nadu State Transport Corporation, Madurai. The petitioner's close friend namely Anburaj, who was working at a Daily Newspaper was only doing additional business like Advertising Agency and made arrangement for getting employments in Government Departments using his vast officials and political influence through press Media. The said Anburaj had joined the petitioner's wife as business partner in his Advertising Agency and during the year 2018, she left from the partnership due to business misunderstanding and subsequently, the said Anburaj was died on 04.08.2019, While being so, during the year 2017 the said Anburaj asked the petitioner to permit him to utilize the petitioner's savings account for some urgent money transaction, since his Debit Card was blocked. Accordingly, a sum of Rs.50,000/- twice and totally RS.1,00,000/- has been deposited in the bank account of the petitioner by a third parties and the said amount of Rs.1,00,000/- was handed over to said Anburaj immediately.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant namely one Sivakumar was cheated a sum of Rs.3,50,000/- and two other relatives of him were also cheated a sum of Rs.1,00,000/- and Rs.2,00,000/- respectively by the first accused namely Rameshkannan in order to obtain Government job. Hence the case.

6. It is seen that there are totally three accused, in which, the petitioner is arrayed as A1. According to the case of the prosecution, the petitioner and other accused persons have collected a sum of Rs.7,00,000/- from three victims to get a job in the Tamil Nadu Government Departments, since the petitioner is working at Tamil Nadu State Transport Corporation, Madurai. It is also seen that the close friend of the petitioner's herein, who was working at Daily News Paper assured to get employment in the Government Departments. Now the said Anburaj died on 04.08.2019. In fact other accused persons were granted anticipatory bail by this Court on condition that each petitioner should deposit a sum of Rs.1 lakh. Now the petitioner is ready and willing to deposit the substantial amount.

7. Accordingly, the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.1486 of 2020 on the file of the learned Judicial Magistrate No.IV, Madurai, within a period of two weeks from the date of receipt of



copy of this order 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 of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai, 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 10.00 a.m., without fail, for a period of Two Weeks and 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/12/2020

/ 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 NO.IV,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
C2- 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-8203[I] dated
15/12/2020)

ORDER

IN

CRL OP(MD) No.14644 of 2020

Date :14/12/2020

VSD

JM/PN/SAR III/21.12.2020/4P/6C