



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.14094 of 2020

G.Arunkumar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch
Karur District.
Crime No.15/2020

... Respondent/De-facto Complainant

For Petitioner : Mr.B.Vinothkumar,
Advocate.

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

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

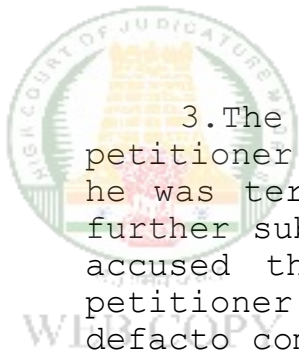
PRAYER :-

For Anticipatory bail in Crime No. 15/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 120 (b), 406, 468 and 420 I.P.C., in Crime No.15 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons collected a sum of Rs.8,00,000/- from the defacto complainant to get job in Southern Railway to the post of Train Ticket Examiner. After receipt of the same, the accused fail to get job for the defacto complainant and refused to repay the said amount. Hence, the



3.The learned counsel for the petitioner submitted that the petitioner was one of the partner of the first accused company and he was terminated on 07.09.2008 by way of termination notice. He further submitted that the entire amount was received only the first accused through Bank transaction. He further submitted that the petitioner is ready and willing to deposit substantial amount to the defacto complainant.

4.The learned Government Advocate (Crl. Side) submitted that there are totally four accused and the petitioner arrayed as A2. All the accused conspired together and received a sum of Rs.9,00,000/- from the defacto complainant by giving a false promise to get job in Southern Railway as Train Ticket Examiner.

5.Considering the facts and circumstances of the case and the fact that the petitioner is willing to deposit substantial amount, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the defacto complainant directly and on producing of acknowledgement, 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 Judicial Magistrate Court No.I, Karur, 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 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

<https://hccourts.courts.gov.in/Kse6/14094> *Prin/Kse6/14094* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
07/12/2020

WEB COPY

/ 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.I, KARUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14094 of 2020
Date : 07/12/2020

IAS
TK/PN/SAR.4/09.12.2020/3P/5C