



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

Date : 18/12/2020

PRESENT

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

CRL OP(MD) . No.14865 of 2020

1. Louis Raja
2. Sahaya Raja

... Petitioners/Accused No.1 and 5

Vs

State Rep.by,
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime.No.133 of 2016.

... Respondent/Complainant

For Petitioners: Mr.K.Gokul,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

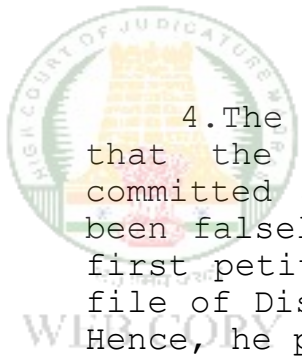
PRAYER :- For Anticipatory Bail in Crime No.133 of 2016 on the file of the Respondent Police .

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 420 and 506(i) of IPC, in Crime No.133 of 2016 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner was working in the Tamil Nadu State Transport Corporation and the second petitioner is his only son. The first petitioner has promised the defacto complainant that he will get job in TNSTC and based on the same, the first petitioner received a sum of Rs.6,30,000/- from the defacto complainant. Hence, the present complaint.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the first petitioner has also filed a suit in O.S.No.60 of 2015 on the file of District Munsif Court, Thirumangalam seeking for injunction. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that that the first petitioner has received a sum of Rs.6,30,000/- from the defacto complainant on the false promise of providing job in TNSTC. Thereafter, he failed to get a job and also refused to return the money.

6.Considering the facts and circumstances of the case and considering the fact that the crime of the year 2016 and the custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on anticipatory 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 learned Judicial Magistrate No.II, Sattur, 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



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

sd/-
18/12/2020

WEB COPY

/ TRUE COPY /

/ /2021
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,
VIDURHUNAGAR DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14865 of 2020
Date : 18/12/2020

VSG
PK/KV/SAR-II/06.01.2021 : 3P/5C