



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Seventh day of July Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NOS.11086 OF 2021 & 20775 OF 2020

R.SATHEESH KUMAR
S/O. RAJAN

[PETITIONER
IN CRL.OP.NO.11086 OF 2021]

SATHEESH KUMAR .N
S/O.NAGARAJAN

[PETITIONER
IN CRL.OP.NO.20775 OF 2020]

Vs

INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL DISTRICT.
CRIME NO.21 OF 2020.

[RESPONDENT
IN CRL.OP.NO.11086 OF 2021]

THE STATE REP.BY
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, GROUND FLOOR,
COLLECTORATE, TIRUCHENGODE ROAD,
NAMAKKAL 637 003.
CRIME NO.21 OF 2020.

[RESPONDENT
IN CRL.OP.NO.20775 OF 2020]

For Petitioner : M/S. PROF.M.UDAIYA BHANU Advocate
[IN CRL.OP.NO.11086 OF 2021]

For Petitioner : M/S. P.P.PRAKASH Advocate
[IN CRL.OP.NO.20775 OF 2020]

For Respondent : MR.C.E.PRATAP Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120B and 420 IPC in Cr.No.21 of 2020, on the file of the respondent police, seeks bail.



2.The case of the prosecution is that the petitioner has got acquainted with Mr.Sathya @ Parthiban (A2), who promised to offer government job in Group 2 Services and also introduced the defacto complainant to A2. Believing the words of A2, the defacto complainant has paid lump sum to A2 for securing job. While so, after sometime only the defacto complainant realised that the petitioner and A2 have cheated several persons like him on false promise to offer government job. Like wise, the petitioner and A2 has cheated nearly 17 persons including the defacto complainant in the similar fashion and style. Hence this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner has not received any amount from the defacto complainant as gratification, he only introduced the defacto complainant to the said person, in fact, the petitioner was also cheated by A2 under the guise of securing government job. However, the law enforcing agency without proper investigation has wrongly implicated the petitioner in this case and hence prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner along with A2 swindled an amount to the tune of Rs.12 lakhs to secure job as Junior Assistant in the Collectorate from various persons. He further submitted that the petitioner is a habitual offender involving in job racketing and cheated various persons. The petitioner has also filed two petitions for the same relief, in order to mischief the Court by wasting it's time and strongly opposed to grant anticipatory bail to the petitioner.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. In the recent past, this Court comes across very many cases involving these kind of offences, wherein the accused persons knowing very well that these kind of posts are filled by the Tamil Nadu Public Service Commission through direct recruitment, giving false promises to secure government job, with an intention to grab money from the innocent persons, who are longing for jobs due to unemployment.

7. Admittedly as submitted by the learned Government Advocate (Crl.Side), there are two anticipatory bail petitions filed by the petitioner for the very same relief against the very same Crime Number. Therefore, it appears that the petitioner is not approaching this Court with clean hand.

8. Considering the nature of case and in the light of the above reasons and that the amount misappropriated by the petitioner is an huge one, this Court is not inclined to grant anticipatory bail to the petitioner.



9. Accordingly, these criminal original petitions are dismissed with a cost of Rs.5,000/- (Rupees Five Thousand Only) and the said amount shall be payable to the credit of the Member Secretary, Tamil Nadu Legal Services Authority, North Fort Road, High Court Campus, Chennai 600 104, within a period of two weeks from the date of receipt of a copy of this order.

-sd/-
07/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL DISTRICT.

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, GROUND FLOOR,
COLLECTORATE, TIRUCHENGODE ROAD,
NAMAKKAL 637 003

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE MEMBER SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY,
NORTH FORT ROAD, HIGH COURT CAMPUS,
CHENNAI 600 104.

CC to M/S. PROF.M.UDAIYA BHANU Advocate on payment of necessary charges

CRL.OP.NOS.11086 OF 2021 & 20775 OF 2020

Date :07/07/2021

MK:26/07/2021