



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.11995 of 2021

1.Ramesh

2.Murugesan

...Petitioners

Versus

State Rep. By

The Inspector of Police,
Vazhapadi Police Station,
Salem District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.47 of 2020 on the file of the respondent Police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420, 294(b), 341, 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harrassment of Women Act, 2002, in Cr.No.03 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a post graduate and she wanted to go abroad for employment. Thereby she approached the 1st petitioner and asked him to send her Singapore for employment. For which the 1st petitioner has demanded a sum of Rs.1,80,000/- and she also paid the said amount to the 1st petitioner's bank account. Thereafter when she asked about the job, he did not give any proper reply. Hence the defacto complainant wanted him to return back her money. However, the 1st petitioner has paid only Rs.20,000/- and balance of Rs.1,60,000/ is yet to be paid. When she demanded the balance amount, the petitioner along with 2nd petitioner threatened and assaulted her and hence she lodged a complaint before the respondent Police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel submitted that the petitioners, on their own volition, are ready and willing to pay the



balance amount of Rs.1,60,000/- to the defacto complainant, without prejudice to their rights.

4.The learned Additional Public Prosecutor has no serious objection to grant anticipatory bail to the petitioners.

5.Considering the nature of the case and based on the undertaking given by the petitioners to deposit the balance amount, I am inclined to grant anticipatory bail to them.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Vazhapadi, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioners shall make deposit of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand only) to the credit of defacto complainant, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to their defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioners succeeds in the case, the said amount would be refunded back to them, shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)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]; and;

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

-sd/-

13/07/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VAZHAPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALAM DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VAZHAPADI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.11995/2021

Date :13/07/2021

INBA 22/07/2021