



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

Monday, the Sixteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14162 of 2021

1 SUBHASRI [PETITIONERS / ACCUSED]
2 RAMKUMAR
3 SASIKUMAR

Vs

1 STATE REP BY [RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE DISTRICT.
CRIME.NO. 11 of 2021

2 DHESARAJAN ...Defacto Complainant

For Petitioner : M/S G.THYAGARAJAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 409 and 420 IPC in Cr.No.11 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are A1 to A3. The defacto complainant who working as Medical Representative got acquainted with the accused persons, who promised the defacto complainant for securing job in the Agricultural Department and thereby demanded a sum of Rs.10,00,000/- from the defacto complainant. Believing the words of the petitioners, the defacto complainant had paid a sum of Rs.7,85,000/- as initial payment to the petitioners. Thereafter, the petitioners also circulated fake appointment order to the defacto complainant and made him to believe as if he got appointed in the Ministry of Agriculture and Farmers Welfare. When the defacto complainant tried to join in the said job, it came to his knowledge that no such vacancy were filled by way of recruitment and thereafter only he realised about the illegal action on the part of the petitioners with an intention to defraud the



defacto complainant for money. When the defacto complainant asked for return of money, he was threatened with dire consequences. Hence this complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further the petitioners herein were also cheated by the A4 under the guise of securing jobs in the Government Department. Hence, it was only the A4 who cheated various persons for money. However, the learned counsel for the petitioners, on instructions, submitted that the petitioners are ready and willing to deposit a sum of Rs.7,85,000/- in Crime Number, without prejudice to their defence before the Trial Court. On such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the defacto complainant and hence prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases against the petitioners. Since the defacto complainant was cheated for huge sum of money by the accused persons, strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioners to deposit an amount to the Crime Number, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court, Neyveli, 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 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make deposit of Rs.7,85,000/- (Rupees Seven Lakhs and Eighty Five Thousand only) to the credit of Cr.No.11/2021 on the file of the respondent without prejudice to his defence before the trial Court. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made



and proof filed by the petitioner;

(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/-

16/08/2021

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

TRUE COPY

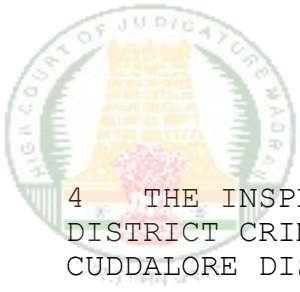
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT (FOR INFORMATION).

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE DISTRICT.

WEB COPY

CC to M/S G.THYAGARAJAN Advocate on payment of necessary charges

CRL OP.14162/2021

Date :16/08/2021

INBA 06/09/2021