



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16061 of 2021

MATHU @ MATHU SUTHANAN KUMAR

[PETITIONER / ACCUSED]

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DHARMAPURI,
CRIME NO.8 OF 2021.

[RESPONDENT]

2 SANGEETHA

For Petitioner : M/S. B.MANIMARAN Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

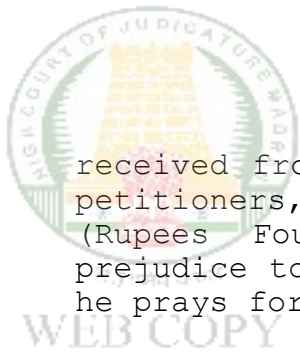
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 406 and 420 of I.P.C in Cr.No.8 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners/accused cheated the defacto complainant by assuring that they would get a job for his son in Japan and received a sum of Rs.5,19,000/- from the Defacto complainant. The petitioners neither secured a job nor returned the money received from the De-facto Complainant. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners, with bona fide intention, obtained money from the defacto complainant for securing job for his son in Japan, but due to the onset of the pandemic, they were unable to arrange a job for the petitioner's son. In fact, it is submitted that the defacto complainant's son was sent to Vientiane (Layos, South East Asia), but due to the pandemic situation, they were not able to arrange the job. However, in good faith, the petitioners returned half of the money



received from the defacto complainant and further submitted that the petitioners, on their own volition would pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the defacto complainant, without prejudice to their rights and contentions during trial. Accordingly, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submitted that the investigation is pending in this case and there is no previous case against the petitioners. Since the defacto complainant has been cheated for a huge sum of money by the accused persons, he strongly opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also taking into consideration the fact that the petitioners allege that they have already returned about 50% of the amount received from the defacto complainant and further the petitioners, on their own volition, are prepared to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the defacto complainant, without prejudice to their rights and contentions during trial, this Court is 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 Judicial Magistrate II, Dharmapuri, on condition that each of the petitioners 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 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 petitioners shall pay a sum of Rs.4,00,000/- Rs.4,00,000/- (Rupees Four Lakhs only) to the defacto complainant by way of demand draft without prejudice to their defence before the trial Court and the concerned Magistrate, shall accept the sureties furnished by the petitioners on production of acknowledgement as to the said payment to the defacto complainant;

(b)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;

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



(d) 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 5560]; and;

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

-sd/-

08/09/2021

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 JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DHARMAPURI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. B.MANIMARAN Advocate on payment of necessary charges SR.No.9739

CRL OP.16061/2021

Date :08/09/2021

APN 24/09/2021