IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.18613 of 2020

Sekar ... Petitioner

-Vs-

State Represented by
Station House Officer,
District Crime Branch,
Cuddalore Police Station,
Cuddalore District. ... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner/accused on bail in the event of his arrest in connection with crime No.17 of 2020 on the file of respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 506(i) of IPC, in Crime No.17 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had collected a sum of Rs.3,45,000/- from the defacto complainant for getting a job in TNPSC Group-II Service, and the petitioner failed to get a job and cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that the petitioner had repaid a sum of Rs.1,00,000/- and the balance amount of Rs.2,50,000/- yet to be paid. He would further submit that co-accused had already been arrested and thereafter he released on bail. He would further submit that the petitioner is ready and willing to deposit a sum

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

of Rs.2,50,000/- to the Credit of Crime No.17 of 2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had collected a sum of Rs.3,45,000/- from the defacto complainant for getting a job in TNPSC Group-II Service. Further, the petitioner failed to get a job and cheated the defacto complainant. He would further submit that the petitioner also having a another case of job rocketing pending in DCB, Villupuram. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the co-accused had already been released on bail, and the petitioner is ready and willing to deposit balance amount of Rs.2,50,000/-, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No1, Virudhachalam, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) to the credit of Crime No.17 of 2020, before the learned Judicial Magistrate No.1, Virudhachalam, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/03/2021

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.I,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
DISTRICT CRIME BRANCH,
CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

WEB COPY

+1CC to M/S.ILAYARAJA KANDASAMY Advocate on payment of necessary charges SR NO.3114

CRL OP.18613/2020

Date :10/03/2021

MK:25/03/2021

https://hcservices.ecourts.gov.in/hcservices/