



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19450 of 2021

M.RAJASEKAR

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
ERODE DISTRICT.  
CRIME NO.NOT KNOWN OF 2021.

[ RESPONDENT ]

For Petitioner : M/S. S.KAITHAMALAI KUMARAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Govt. Advocate ( Crl. Side)

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 offences punishable under Section 420 of IPC, in Crime No.Not known of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had received money from various persons, including the de-facto complainant on a false promise of getting Government Job in various departments. Thereafter, the petitioner neither secured job nor returned the money which led to the filing of the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor vehemently objected to consider the anticipatory bail to the petitioner stating that daily the respondent police are receiving complaints regarding job racketing. He further submitted that there is no previous case pending against the petitioner.

5. Considering the fact that the petitioner is a Government Employee working as a Secondary Grade Teacher and also the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Erode, within a period of fifteen days from the date on which the order copy is made ready, 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 sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate No.2, Erode, may obtain a copy of their Aadhar card or Voter Identity Card or Driving License or PAN card or Bank Pass Book with photo affixed and attested by the Bank Manager to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 06.00 p.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner 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 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]; and;



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

WEB COPY

-sd/-  
12/10/2021

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.2, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. S.KAITHAMALAI KUMARAN Advocate on payment of necessary charges SR.NO.11444

CRL OP.19450/2021

Date :12/10/2021

JPA 18/10/2021