



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22293 of 2021

Alexander Rajan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Chithamur Police Station,
Chengalpattu District.
(Crime No.236 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on his arrest in Crime No.236 of 2021, pending investigation on the file of the respondent police.

For petitioners: Mr.S.Vellidoss

For Respondent : Mr.N.S.Suganthan
Government Advocate

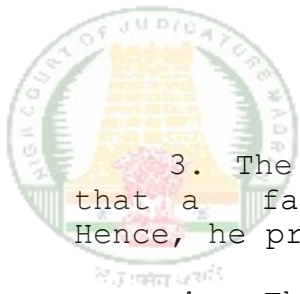
ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 294(b), 420, 506(1) of IPC, in Crime No.1965 of 2021, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the petitioner, who was working in the Pallavan House had promised the defacto complainant that he will get jobs in Pallavan House and had received a sum of Rs.2,00,000/- from the defacto complainant. Subsequently, it came to be known that the petitioner had cheated the defacto complainant and therefore when the money was demanded, the same was not returned back by the petitioner.



3. The learned counsel appearing for the petitioner submitted that a false complaint has been foisted against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that this petitioner has so far cheated the defacto complainant by receiving money on the false promise of getting them a job at Pallavan House.

5. The persons who make payment are also to be equally blamed, because they adopt a short cut method for the purpose of getting a job in a Government Department. Therefore, the intention of the persons who are paying money also becomes questionable. It is not as if in every case, the person who makes the payment is innocent and they know that they are trying to knock of a job by indirect means. This attitude needs to be curtailed.

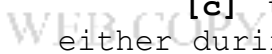
6. It is also seen that in some cases involving a loan transaction or a business transaction, in order to recover the money, a complaint is given as if the money was given for securing a job. Therefore, there are also persons who want to take advantage of the circumstances.

7. Taking into consideration the facts of the case and submissions made by the learned counsel for both sides and taking note of the fact that that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five thousand Only) in Crime No.236 of 2021 on the file of the learned Judicial Magistrate Court, Madhuranthagam, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Madhuranthagam, 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 said Magistrate, on further condition that:

[a] the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five thousand Only) in Crime No.236 of 2021, on the file of the learned Judicial Magistrate Court, Madhuranthagam;

[b] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



[c] the petitioner shall not tamper with evidence or witness 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]**.

-sd/-
25/11/2021

TRUE COPY

TO

4 THE INSPECTOR OF POLICE
CHITAMUR POLICE STATION,
CHENGALPATTU DISTRICT.

Date : 25/11/2021

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