



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.231 of 2021

1. Baskaran

2. Suguna

... Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
City Crime Branch, Madurai.
Crime No.1924 of 2019.

... Respondent/Complainant

For Petitioners : Mr.Jeyakarthik.M.S,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervenor : Mr.C.Senthil Murugan,
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.1924 of 2019 on the
file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 406
and 420 of IPC seek anticipatory bail.

2. It is a case of job racketing. The petitioners herein had
received a sum of Rs.5 lakhs from the defacto complainant and four
others with an assurance that they would get job for them and
thereafter cheated them. Hence the complaint.

3. The learned counsel for the petitioners would submit that
this is the second anticipatory bail petition. Earlier the
petitioners were granted anticipatory bail with a condition to
deposit Rs.5 lakhs each to the credit of crime number.



Since they are unable to mobilize the amount they are unable to execute sureties, hence they have filed the second anticipatory bail petition.

4. The learned counsel for the intervenor opposed to grant anticipatory bail to the petitioners stating that taking advantage of the orders the petitioners are evading from arrest and not willing to pay the amount as imposed by this Court.

5. The learned Government Advocate(Crl.Side) would submit that the petitioners herein had received a sum of Rs.5 lakhs from the defacto complainant and four others with an assurance that they would get job for them and thereafter cheated them. He would also submit that this is the second anticipatory bail petition.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that now the petitioners are ready to deposit the amount already imposed by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

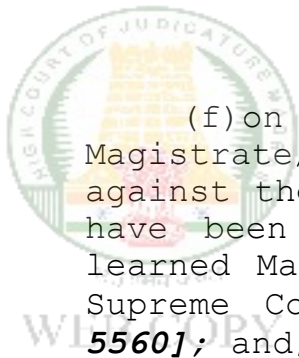
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall deposit a sum of Rs.5,00,000/- each to the credit of Crime No. 1924 of 2019 before the learned Judicial Magistrate No.I, Madurai without prejudice to their rights before the trial Court.

(c) the petitioners shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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;

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

sd/-
02/02/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-664[I] dated 03/02/2021)

ORDER
IN
CRL OP(MD) No.231 of 2021
Date : 02/02/2021

AAV
JM/VR/SAR II/04.02.2021/3P/6C