



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.06.2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.128 of 2021

&

CRL MP (MD) No.4238 of 2021

1.Muniyandi

2.Rakkammal

...Petitioners/Accused No.3 & 4

Vs

The State Represented by its,
The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram
Ramanathapuram District.
Crime No.8 of 2020

... Respondent/Complainant

For Petitioners : Mr.R.Boominathan

For Respondent : Mr.Antony S.Prabhahar,
Additional Public Prosecutor

For Intervenor : Mr.S.M.A.Jinnah

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

PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC r/w Section 120[B] of IPC in Crime No.8 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant believing the words of the first accused that she would get employment to the defacto complainant in Railway Department, Group C Division, deposited Rs.6,79,000/- to the accounts of the first accused and second accused. The petitioners/accused assured the defacto complainant that he would surely get employment and they are responsible for his money. The defacto complainant neither got job nor received his money back. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor opposed this petition on the ground that investigation is still pending.

5.The only allegation against these petitioners is that they also informed the defacto complainant that the first accused would get employment for him and they are responsible for his money. Except the above allegation, there is nothing incriminating in the First Information Report against these petitioners. The learned Additional Public Prosecutor is also not in a position to produce any material incriminating these petitioners that they had received money from the defacto complainant. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners. Anticipatory bail is granted to these petitioners taking into consideration that there is no incriminating evidence as of now. Granting anticipatory bail to these petitioners is not an automatic ground for granting bail/anticipatory bail to the other accused.

6.Accordingly, the petitioners 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, Ramanathapuram 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 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 report before respondent police daily at 10.30 am., until further orders.

[c]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].



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

Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
29/06/2021

/ TRUE COPY /

/ /2021

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

mbi

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 II,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-4249[I] dated 30/06/2021)

ORDER
IN
CRL OP(MD) No.128 of 2021
Date : 29.06.2021

VB/JC/SAR.III/01.07.2021/3P/6C