



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.794 of 2021

S.M.Suresh Kumar ... Petitioner/Accused

Vs

The State Represented by
The Inspector of Police,
District Crime Branch,
Karur.

... Respondent/Defacto Complainant

For Petitioner : M/s.Satish Kumar.K.P,
Advocate.

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

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

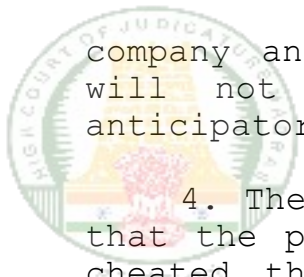
PRAYER :- For Anticipatory Bail in Crime No.15 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 120(b), 406, 420 and 468 I.P.C, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the the first accused has given false employment letter and received a sum of Rs.9,00,000/- and had not provided the job.

3. The learned counsel for the petitioner would submit that the first accused run a company and the petitioner is only an employee in the Company. The first accused also run Educational Institutions. When the petitioner was studying M.B.A., the first accused recruited the third accused as Marketing Internship and thereafter the first accused recruited the petitioner as HR Manager for the Company. The nature of the Job is to arrange coaching class for competitive jobs. The third accused has no illegal business with the first accused. He is only an employee of the first accused company and he never done any illegal jobs to the first accused



company and the transactions illegally done by the first accused will not bind the third accused and hence, he prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that the petitioner herein is arrayed as A3 and the first accused cheated the amount with the help of this petitioner and hence, custodial interrogation of the petitioner is very much required and prayed the petition to be dismissed.

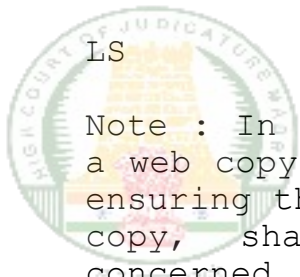
5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent police.

6. The contention of the petitioner that he had employed as Marketing Internship from 2015 and he was paid monthly salary of Rs.5,000/- and also provided food and shelter and other than that, he has nothing to do with the act of the named accused, viz., Godwin and Arunkumar, cannot be accepted. In the complaint lodged by the petitioner himself to the Superintendent of Police, others have clearly admitted that the money collected from various persons on the promise to get them job in Indian Railways and other Public Sector Institutions. Further, in the complaint, the defacto complainant had clearly stated that when they enquired Godwin and Arunkumar, they had clearly stated that the money has been returned to one Suresh and one Siva. The said Suresh is the petitioner herein. Further, it is not only the job racketing and it is a clear case of misappropriation of forged appointment orders and also money have been collected through the Banks, wherein, the youngsters were lured and made them to deposit to the account of the named accused and thereafter, the money was spent out and misappropriated. It is seen that the forged documents have been prepared and given to the innocent job seekers. In this case, the defacto complainant, on the strength of the forged documents on the way to Calcutta, it was given to the Station Master and produced the same, where it was informed that no such orders have been issued by the Authority. Those innocent job seekers were asked to travel from one corner of the country to other corner of the country, by the petitioner and others jointly by creation of fraudulent documents. In view of the same, custodial interrogation of the petitioner is very much necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. This Criminal Original Petition is dismissed.

sd/-
11.03.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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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.

WEB COPY

TO

1. The Inspector of Police,
District Crime Branch,
Karur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP (MD) No.794 of 2021

Date : 11/03/2021

VB PN SAR 4 (24.03.2021) 3P 3C