



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9189 of 2021

1. Gurukaleeswaran
2. Abimanyu
3. Jayakanth
4. Jemeenabeham
5. Vetrivel
6. Chithra

... Petitioners/Accused 1 to 6

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
(Crime No.1 of 2021).

... Respondent/Complainant

For Petitioners: Mr.B.Prahalad Ravi, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

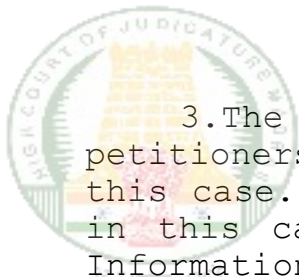
PRAYER :- For Anticipatory bail in Crime No.1 of 2021 on the file of the Respondent police.

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, in Crime No.1 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had given a sum of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand Only) to the first accused namely Gurukaleeswaran for getting employment to his son in a foreign country. As promised by the accused, the defacto complainant's son did not get the employment. Therefore, the defacto complainant had given a complaint before the Superintendent of Police, Ramanathapuram on 28.05.2020 and the enquiry was conducted at Satharakudi Police Station. The accused persons namely Gurukaleeswaran, Abimanyu and Jayakanth appeared for the enquiry and undertook to pay a sum of Rs.1,60,000/- on 15.09.2020. However, they did not pay the amount. Therefore, the

<https://hcservices.ecourts.gov.in/hcservices/case.html> to be registered.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Especially, the petitioner Nos.4 to 6 have no connection in this case at all and their names are not found in the First Information Report. They are deliberately implicated in this case. Further, to show their bonafides, they are ready to deposit a sum of Rs.1,60,000/- before the learned Judicial Magistrate No.II, Ramanathapuram District.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that the investigation is not completed.

5.From the case set out, it is seen that the accused had received a sum of Rs.4,50,000/- on the promise of getting employment in the foreign country and now they are prepared to deposit a sum of Rs.1,60,000/- before the Court to show their bonafides. Taking the above factors into consideration, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

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 No.II, Ramanathapuram District 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 deposit a sum of Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand only) before the Judicial Magistrate No.II, Ramanathapuram, within a period of two weeks from the date of receipt of a copy of this order and the learned Judicial Magistrate No.II, Ramanathapuram, is directed to disburse the amount on the basis of the result of the case.

[c]the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[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]**;

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

sd/-

12/07/2021

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

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-4506[I] dated 12/07/2021)

ORDER IN

CRL OP(MD) No.9189 of 2021

Date :12/07/2021

SSB

MS/JC/SAR-5/14.07.2021/3P.6C