



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/08/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11034 of 2021

1. Dhanya

2. Karunanithi

... Petitioners/Accused Nos.1&2

Vs.

STATE REP BY

The Inspector of Police,
Subramaniyapuram Police Station,
Crime Branch, Madurai City.
Crime No.554/2019).

... Respondent/Complainant

For Petitioners : M/s. Santhanam Rajesh Kumar.B,
Advocate.

For Respondent : Mr.Muthu Manickam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 554 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420 and 506(i) of I.P.C., in Crime No.554 of 2019 on the file of the respondent police, seek anticipatory bail.



3. Vide order dated 27.11.2019, their earlier petition for anticipatory bail was dismissed. Paragraph No.3 of the said order reads as follows:-

"It is a classic case of job racketing. The defacto complainant had parted with a sum of Rs.8,00,000/- for procuring a job in ESI. A portion of the amount was transferred to the petitioners' account through online transaction. The petitioners have also given a cheque in favour of the defacto complainant. The said cheque on being presented was dishonoured."

4. The petitioners' counsel now states that the petitioners would pay half of the amount, namely, Rs.4,00,000/- (Rupees Four Lakhs only) directly to the defacto complainant without prejudice to her defence in the trial. The petitioners seek three weeks time to make the said payment. The demand draft will be taken in favour of the defacto complainant and enclosed along with surrender petition. The Court below will arrange to hand over the same to the defacto complainant.

5. Since the petitioners have come forward to pay half of the amount, anticipatory bail is granted.

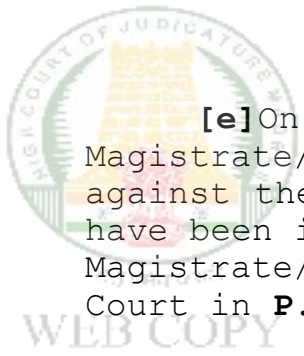
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of twenty five days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai, Madurai District, on condition that the petitioners 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 conditions 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 the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[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 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]**;

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

sd/-
10/08/2021

/ TRUE COPY /

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

PMU

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

ORDER
IN
CRL OP(MD) No.11034 of 2021
Date :10/08/2021

PKP/VR/SAR-4/12/08/2021/3P/5C