



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.600 of 2022

Sasi Kumar

... Petitioner / A1

Versus

The State represented by
Inspector of Police,
District Crime Branch,
Dharmapuri District.
(Crime No.16 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.16 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420, 466, 468 and 471 of IPC in Crime No.16 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner under the false promise of obtaining job for the post of assistant as VAO and have obtained a sum of Rs.2,25,000/- from one Santhi @ Ambika and also issued a fabricated appointment order and thereafter, cheated her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that now he is suspended and if the petitioner released on bail he will not abscond and hence, the learned counsel prays for



grant of anticipatory bail to the petitioner with any stringent condition.

4. The learned Additional Public Prosecutor appearing for the respondent raised strong objection stating that it is a case of job racketing. He would further submit that the petitioner is a Village Assistant and the defacto complainant gave a complaint that the petitioner received a sum of Rs.2,25,000/- and gave a false promise that to get a job and he also gave a fake order of appointment but subsequent to the complaint filed against him the said money was returned to her.

5. Considering the facts and circumstances of the case and also considering the fact that now the petitioner is under suspension, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court No.II, Dharmapuri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner is directed to report before the respondent police on every Tuesday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered accordingly.

-sd/-
11/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.NO.537

CRL OP.600/2022

Date :11/01/2022

INBA~31/01/2022