



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.781 of 2022

1.Mani Kanagaraj
2.Shobana Priya

.. Petitioners

Vs.

The State rep by
The Inspector of Police
District Crime Branch,
Coimbatore District.
Crime No.24 of 2021

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.24 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. J. Rajmohan

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 406, 420 and 468 of IPC in Cr.No.24 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have received a sum of Rs.1,00,000/- promising the defacto complainant to get Government Job and thereby the defacto-complainant has introduced various persons to them for getting Government Job who had also paid to the tune of Rs.50,00,000/- to them. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have no involvement in the aforesaid offence. They have been named in the FIR, just because they are mother and wife of



A1. They have no way connected with the alleged occurrence and they have been falsely implicated in this case. Further he submits that the 1st petitioner has met with the accident and undergone surgery. The 2nd petitioner is nursing newly born baby. However, the learned counsel, on instructions, further submits that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.2,00,000/- each to the credit of the crime number. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that an amount of Rs.51,00,000/- has been cheated by A1 under the pretext of getting Government Job. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioners, on their own volition, are ready to deposit an amount of Rs.2,00,000/- each to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Mettupalayam, Coimbatore 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 shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakh Only) each to the credit of Cr.No.24 of 2021 before the *learned Judicial Magistrate, Mettupalayam, Coimbatore* within a period of two weeks from the date of receipt of a copy of this order. The Defacto-complainant is permitted to withdraw the amount deposited by the petitioner herein.

(b)On such deposit, the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners are directed to appear before the respondent police every Wednesday 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 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/01/2022

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,
METTUPALAYAM, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S J.RAJMOHAN Advocate on payment of necessary charges

CRL OP.781/2022

Date :12/01/2022

CSK 21/01/2022