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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1829 of 2022

1. S.Karthikeswari ...Petitioners
2. S.Prabhakharan
3. S.Thilak

Versus

State Rep by ...Respondent
The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram,
Chennai-600 013.
(Crime No.1725 of 2021)

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.1725 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.V.Ramamurthy
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor
For Intervener : Mr.Swarnam Rajagopal

Order

The petitioners, who apprehend arrest for the alleged offences under Section 406, 420, 506(i) & 34 of IPC in Cr.No.1725 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the false promise to get a job in Tamilnadu Industrial Investment Corporation Limited (TIIC), accused/A1 have collected an amount of Rs.36,00,000/- from the defacto complainant and failed to acquire the same. When the same was questioned by the defacto complainant, accused/A1 refused to repay the said amount. The 1st petitioner is the wife of A1, 2nd and 3rd petitioners are brother-in-law of A1. Hence, the complaint was lodged against the petitioners.



3. The learned counsel appearing for the petitioners submitted that they have no way connected with the alleged occurrence and they have been falsely implicated in this case. He further submitted that the petitioners are only close relatives of A1 and the 1st petitioner's husband was passed away on 27.08.2020 due to Covid-19, thereafter, the petitioners are not left with any valuable properties. However, the learned counsel, on instructions, further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.7,00,000/- to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

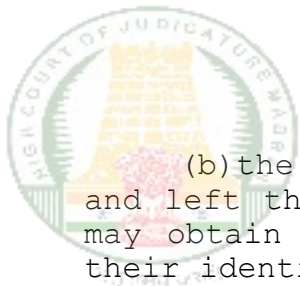
4. The learned Additional Public Prosecutor submits that this is the case of job racketing. The petitioners are close relatives of accused/A1. It is alleged that on false promise to get a job in a company, accused/A1 has collected an amount of Rs.36,00,000/- from the defacto complainant and thereafter, A1 neither acquired the job nor returned back the money. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Heard the contentions of the learned counsel appearing for the Intervener.

6. Considering that facts and circumstances of the case and that the petitioners on their own volition, are ready to deposit an amount of Rs.7,00,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the credit of Crime No.1725 of 2021, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **learned XVI Metropolitan Magistrate, George Town, Chennai** 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 are directed to deposit a sum of **Rs.7,00,000/- (Rupees Seven Lakhs only)** to the credit of **Crime No.1725 of 2021** before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and the defacto complainant is permitted to withdraw the said deposit amount of Rs.7,00,000/- on proper identification and acknowledgment;



(b) 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;

WEB COPY (c) the petitioners are directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

(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/-

01/02/2022

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 METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
N-1, ROYAPURAM POLICE STATION,
ROYAPURAM, CHENNAI-600 013.
CR.NO.1725/2021.

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+1 CC to M/S.V.RAMAMURTHY Advocate on payment of necessary
charges SR.NO.1646

+1 CC to MR.SWARNAM RAJAGOPAL, Advocate on payment of necessary
charges SR.NO.1696

CRL OP.1829/2022

Date :01/02/2022

TA-04/02/2022