



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10816 of 2022

1 R.ASHWIN

[PETITIONERS / ACCUSED]

2 G.S.SENTHILKUMAR

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE

PERAMBALUR POLICE STATION,

CRIME NO.147 OF 2022.

For Petitioners : MR.B.KUMAR, Senior Counsel for
M/S. R.SATHISH KUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

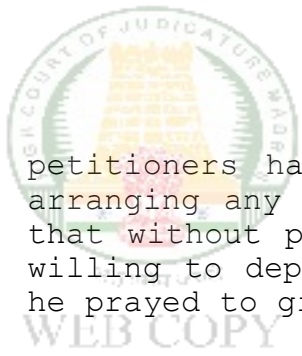
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 420 and 506 (i) of I.P.C., in Crime No.147 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and other victims have paid a sum of Rs.15 lakhs to the accused persons to get an Office Assistant post in the government department. Further it is alleged that the first and second accused received the said amount to get job in various government department through the petitioners herein.

3. The learned Senior Counsel appearing for the petitioners submitted that even according to the prosecution only a sum of Rs.9 lakhs have been received by the accused 1 & 2 and the petitioners herein never collected any money from them. They are nothing to do with the crime allegedly committed by the accused 1 & 2 and the



petitioners have no contact with the other accused, with regard to arranging any job in the Government Department. Further he submitted that without prejudice to their right, the petitioners are ready and willing to deposit any of the amount as imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the accused 1 & 2 in this case have collected a sum of Rs.15 lakhs from five victims in which, the de-facto complainant is one of the victims. All the accused persons joined together and have collected money from the victims. Though no amount has been received by the petitioners directly from the victims, they also involved in this crime. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances and also considering the fact that the petitioners are ready to deposit some amount, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to jointly deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.147 of 2022, within a period of three weeks from the date on which the order copy made ready, 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 Judicial Magistrate No.I, Perambalur, on condition that the petitioner shall execute a separate 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 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.5,00,000/- (Rupees five lakhs only) jointly to the credit of Crime No.147 of 2022, before the concerned Magistrate, within a period of three weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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].

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

-sd/-
18/05/2022

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.I, PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.7229

CRL OP.10816/2022

Date :18/05/2022

JPA 24/05/2022