



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.11098 of 2022

1 S.RAJKUMAR [PETITIONERS / ACCUSED]

2 DHARANIKUMAR

Vs

THE STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
OOMERABAD POLICE STATION,
OOMERABAD, THIRUPATHUR DISTRICT.
CRIME NO.156 OF 2022

For Petitioner : M/S.K.ANANDAN Advocate

For Respondent : MR. 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 Sections 465, 466, 468, 471, 420 of I.P.C., in Crime No.156 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and others have paid a sum of Rs.82 lakhs to the petitioners to get a job in the Government Department. Thereafter the petitioners never returned the money and not arranged any job. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit the investigation is still pending and hence he vehemently opposed to grant anticipatory bail to the petitioners.



5. On perusal of the records show that the de-facto complainant himself has paid a sum of Rs.19,00,000/- to get a Tashilar post and the other victims paid the remaining amount to get a job in the government departments. However the defacto complainant did not produce any piece of evidence to show that the petitioners have received a sum of Rs.82 lakhs. That apart, the petitioners are doing coconut business and they have no influence in the Government to get the job. When there is no iota of evidence that the victims were paid a sum of Rs.82 lakhs to the petitioners, the custodial interrogation of the petitioners did not require. Further, there was a money transaction between the petitioners and the defacto complainant's father in the year 2016 and there was a due from the petitioners, as such the defacto complainant's father lodged a complaint before the District Crime Branch, Vellore and the same was enquired and closed.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate, Ambur, on condition that the petitioners 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 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 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].



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

WEB COPY

-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 COURT,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUPATHUR DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS-104.

4 THE INSPECTOR OF POLICE,
OOMERABAD POLICE STATION,
OOMERABAD,
THIRUPATHUR DISTRICT.

+2 CC to M/S.K.ANANDAN Advocate on payment of necessary charges
SR.7225

CRL OP.11098/2022

Date :18/05/2022

SRG 19/05/2022