



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12352 of 2022

M.PALANISAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
JOB ROCKET WING,
CCB- I, EGMORE,
CHENNAI DISTRICT.
(CR.NO.241/2021)

[RESPONDENT]

For Petitioner : M/S.M.ANAIMUTHURAJA 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 petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468 r/w 34 of IPC in Crime No.241 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 02.02.2018, the defacto complainant approached one Samynathan/A1 for getting government job. Thereafter, on the promise made by the said Samynathan, the de facto complainant introduced some other persons A1, Sivaraman/A5 and Krish Krinal/A6 for getting employment in the Government sector. The defacto complainant was assured by the A1 that he had secured him a job as Clerical Assistant in Co-operative Bank, for which, he had informed the defacto complainant to pay Rs.2,00,000/- to one Sathyanathan/A2. Accordingly, the defacto complainant went to the office of the petitioner/A3 herein and paid the said amount to A2 & A3. After the lapse of 5 months, when the de facto complainant enquired about his employment, A3 informed the petitioner that he had arranged for his employment in the railway department. As they had failed to secure the Government job after the receipt of the money, the complaint has been lodged.



3. The learned Additional Public Prosecutor would submit that there are totally eight accused in this case, in which the petitioner is arrayed as A3. A1 to A5 introduced each other to the A6 to A8. Thereafter they had collected money to the tune of Rs.91,00,000/- from the general public for arranging employment in the Railway department. After receiving the same, they had neither obtained any job to the victims nor repaid the amount which was received from the victims. In so far as this petitioner is concerned, he introduced A4 to the A5. Further the petitioner and the A2 received a sum of Rs.2,00,000/- from one of the victims.

4. However, the learned counsel appearing for the petitioner would submit that without prejudice to his rights, the petitioner is ready and willing to deposit reasonable amount to the credit of crime No.241 of 2021 and prays for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.241 of 2021, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the CCB & CB CID Special Court, Egmore, 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 Judge 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 shall deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) to the credit of Crime No.241 of 2021, before the concerned Magistrate, within a period of four 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

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

-sd/-

06/06/2022

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 CCB & CBCID
SPECIAL COURT, EGMORE.

2 THE INSPECTOR OF POLICE,
JOB ROCKET WING,CCB- I,
EGMORE, CHENNAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.ANAIMUTHURAJA Advocate on payment of necessary charges SR.No.8531

CRL OP.12352/2022

Date :06/06/2022

CSK 09/06/2022