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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.01.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.332 of 2022

Charles

... Petitioner/Accused No.1

Vs

State repby
The Inspector of Police,
West Police Station,
Virudhunagar.
(Crime No.172 of 2021)

... Respondent/Complainant

For Petitioner : M/s.G.Mariappan, Advocate.

For Respondent : M/s.M.Muthumanikkam
Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.172 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 IPC in Crime No.172 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A.1 introduced the second accused to the defacto complainant and induced the defacto complainant to give Rs.6,00,000/- (Rupees Six Lakhs only) to the second accused for securing job in Central Government, Food Corporation of India and the accused persons without securing the job, cheated the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the first and main victim in this job racketing, that the petitioner had paid a sum of Rs.6,00,000/- to the second accused for getting a job, that at the request of the father of the defacto complainant the petitioner had introduced the defacto complainant to the second accused and he had also paid a sum of Rs.6,00,000/- for getting a job, that the second accused has given posting orders to the petitioner as well as the defacto complainant directing them to join as Assistant Agricultural Officer and to report at Krushi Bhavan, Keshari Nagar, Bhubaneswar, Odisha and therefore both of them went to that place and undergone training for thirty days, that thereafter, that particular office sent the petitioner as well as the defacto complainant back stating that the appointment order is not proper, that again the second accused has issued the posting orders to the petitioner as well as the defacto complainant directing them to report at Agriculture Research Centre in Mondira of West Bengal, that both of them went to West Bengal and came to know that the appointment orders issued by the second accused are bogus and that since the petitioner had introduced the defacto complainant to the second accused, the defacto complainant had lodged the complaint implicating the present petitioner herein also.

4.The learned counsel for the petitioner would also submit that the petitioner in order to show his *bona fide*, he is ready and willing to deposit a sum of Rs.3,00,000/- and he also filed an affidavit sworn by the petitioner, wherein the petitioner has specifically undertaken to deposit Rs.3,00,000/- (Rupees Three Lakhs only) before the jurisdictional Court.

5.The learned Government Advocate (Criminal Side) would submit that the petitioner is not having any bad antecedents.

6.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner and also the fact that the petitioner is not having any bad antecedents as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) before the learned Judicial Magistrate No.I, Virudhunagar to the credit of Crime No.172 of 2021 without prejudice to his rights and contentions within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the de-facto complainant is permitted to withdraw the 50% of the said amount;

8.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned



Judicial Magistrate No.I, Virudhunagar on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner 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 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]**; and;

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

Sd/-

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Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
WEST POLICE STATION,
VIRUDHUNAGAR.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.332 of 2022

Date :12/01/2022

SP/VR/SAR I/31/01/2022/4P/5C