



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.215 of 2022

Muthupandi

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.30/2021).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed.D.S., Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

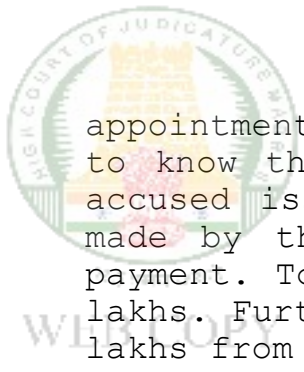
PRAYER :-

For Anticipatory Bail in Crime No.30 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 419, 465, 467, 468, 471, 472, 420 and 34 of IPC, in Crime No.30 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that when he was jobless, the third accused approached him and stating that he can secure a job in PWD Department. In turn, the third accused introduced himself stating that he is a employee of PWD, Thoothukudi. He also promised him to secure a job. For that purpose, Rs.6 lakhs was given to A1 and Rs.3 lakhs was given to A2. Thereafter, the first accused sent an



appointment order through the petitioner's whats-app. Later, he came to know that it is a fake one. When that was enquired, the first accused issued two cheques for sum of Rs.6 lakhs. At the request made by the first accused, he did not presented the cheque for payment. Totally the accused persons cheated to the tune of Rs.8.10 lakhs. Further alleged that likewise, they cheated a sum of Rs.68.10 lakhs from various victims.

3. Seeking anticipatory bail, this petition has been filed on the ground that he is one among the victim. For his sister, he has also paid a sum of Rs.6 lakhs. For which, he lodged a complaint on 20.10.2021. That was pending for enquiry. The first accused has also cheated the petitioner by giving bogus appointment order. The first accused was also given an undertaking that he will return the entire amount.

4. Perusal of records shows that the first accused executed a deed of undertaking infavour of several persons namely, Solaiyammal, Praveen kumar, Maharajan, Kalaiselvi, Thirumurugan, Inthumathi, Rajapusam, Rajaprapa, Jeyaraj. So, a complaint, which was sent through the post to the Inspector of Police on 20.10.2021. The present complaint has also been registered on the same date namely, 20.10.2022. Wherein, the petitioner was arrayed as second accused. Further, the document shows that the fake appointment order was also issued to the sister of the petitioner. So, this shows that the major portion of the cheating was committed by the first accused and insofar as this petitioner is concerned, it is seen that he is one among the victim. But, however, since the amount was transferred through the account of this petitioner, he has also been arrayed as an accused.

5. In the FIR, it has been stated by the defacto complainant to the effect that the amount has been transferred to the account of this petitioner. Not only that, the account of the petitioner's wife has also been used. It is also seen that only through the whats-app of this petitioner, the fake appointment order has been forwarded. It is also seen that the first accused was also issued a cheque. But, that was not presented for payment due to lapse of time. So, this shows that even though the petitioner is also one among the victim, only through his account and through his wife's account, money has been transferred. It is the duty of the petitioner to co-operate with the Investigating Officer to complete the investigation by producing all the documents available with him.

6. But, however, considering the facts and circumstances of the case and also considering the fact that he is one among the victim, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Thoothukudi, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
26/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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.IV,
THOOTHUKUDI.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.215 of 2022
Date :26/07/2022