



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1707 of 2022

1.Packia Selvan @ Abthullah

2.Sameem Banu ... Petitioners 1,2/Accused Nos.1,2

Vs

The State through
The Inspector of Police,
District Crime Branch Police,
Dindigul District.
(Crime No.33 of 2021)

...Respondent/Complainant

For Petitioners: Mr.AYYANAR PREM KUMAR, Advocate
for M/s.P.SEPANA @ SREE, Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side).

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

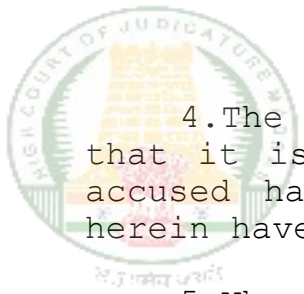
PRAYER :- For Anticipatory Bail in Crime No.33 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468 and 471 IPC, in Crime No.33 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave Rs.8,00,000/- (Rupees Eight Lakhs only) to the petitioners for securing teaching job in State Government and the accused persons without securing the job, cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant is a money lender and the petitioners borrowed a sum of Rs.3,10,000/- from the defacto complainant, that due to COVID pandemic, they could not repay the amount and that he has lodged the complaint as if the petitioners by assuming to get Government Job, received the said amount.



4.The learned Government Advocate (Criminal Side) would submit that it is a clear case of the job racketing and that the third accused has received a sum of Rs.3,00,000/- and the petitioners herein have received totally Rs.3,75,000/-.

5.When the matter is taken up for hearing today, the learned counsel for the petitioners has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically stated that the petitioners have already paid Rs.2,00,000/- to the defacto complainant without prejudice to their contentions.

6.The learned Government Advocate (Criminal Side) would further submit that the petitioners have already paid Rs.2,00,000/- to the defacto complainant.

7.Considering the above facts and also the facts that the petitioners are not having any previous cases for similar offence and that the petitioners have already paid Rs.2,00,000/- to the defacto complainant and taking note of the undertaking affidavit, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

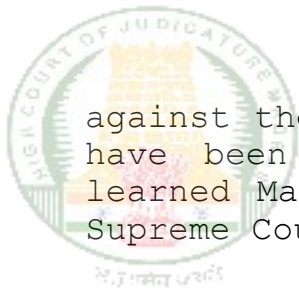
[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent police daily at 06.00 p.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/03/2022

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

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

+1. CC to M/S.SEPANA @ SREE.P. Advocate SR.No.1798

ORDER

IN

CRL OP(MD) No.1707 of 2022

Date :08/03/2022

SA/PN/SAR.1/15.03.2022/3P/6C