



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2751 of 2022

1. Arun Prasad,
2. Joseph Pratheep,
3. Arockia Prakash, ... Petitioners 1 to 3/Accused Nos.1 to 3

Vs

The State Rep by,
The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti, Thoothukudi District.
(Crime No. 113/2022). ... Respondent/Complainant

Gananasankar ...Petitioner/Intervener
/Defacto complainant
in Crl MP(MD)No.2546 of 2022

For Petitioner : Mr.P.Mahendran, Advocate.

For Respondent : Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Saravanan, Advocate

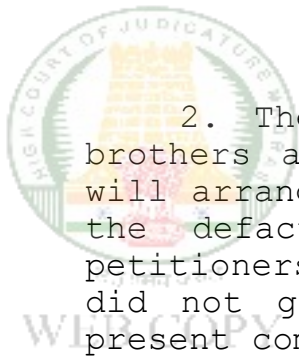
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.113 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The Petitioners / accused 1 to 3, who apprehends arrest at the hand of the respondent police for the alleged offence punishable under Sections 120-B, 406, 417 and 420 I.P.C., in Crime No.113 of 2022, on the file of the respondent Police, seek anticipatory bail.



2. The case of the prosecution is that the petitioners are brothers and they gave a promise to the defacto complainant they will arrange to get a job for the defacto complainant and for that, the defacto complainant gave a sum of Rs.3,00,000/- to the petitioners and after the training period, the defacto complainant did not get a job as promised by the petitioners. Hence, the present complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a case of job rocketing and the petitioners had collected a sum of Rs.3,00,000/- by giving a promise to get a job to the defacto complainant.

5. The learned Counsel for the petitioners would submit that to show their bonafide and without prejudice to their contentions, the petitioners are ready to deposit a sum of Rs.2,50,000/- before the concerned jurisdictional Magistrate Court.

6. The learned Counsel for the intervenor would submit that the defacto complainant may be permitted to withdraw 75% of the deposited amount.

7. Considering the above facts and circumstances and also the fact that the petitioners are not having any previous cases for similar offences or for any other serious offences, as stated by the learned Government Advocate (Crl.Side), 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 their arrest or 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.I, Kovilpatti, Thoothukudi District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

a) the petitioners are directed to deposit a sum Rs.2,50,000/- (Rupees Two Lakhs and Fifty thousand only) to the credit in Crime No. 113 of 2022 before the learned Judicial Magistrate NO.I, Kovilpatti, Thoothukudi District within a period of 15 days from the date of receipt of a copy of this order and on such deposit the learned Magistrate shall accept the sureties; on such deposit being made, the defacto complainant is permitted to withdraw 50% of the



(b)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;

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]***; and;

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

9. The learned Counsel for the petitioners would submit that though they have received the amount, they have forwarded the said amount to one Ajithkumar and he has not been arrayed as accused so far.

10. The learned Government Advocate (Crl.Side) appearing for the State would submit that they have not received any specific complaint against Ajithkumar and after filing of the above petition, the said Ajithkumar was summoned, but he was not turned and that the prosecution is taking steps.

11. In view of the above, the respondent is directed to proceed with the investigation, examine Ajithkumar and complete the investigation as expeditiously as possible.

sd/-
22/02/2022

/ TRUE COPY /

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



SSL

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,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1. CC to MR.P.MAHENDRAN, Advocate SR.No.8481(F)

ORDER

IN

CRL OP(MD) No.2751 of 2022

Date :22/02/2022

PKP/PN/SAR-1/28.02.2022/4P/6C