



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3031 of 2022

1. Ganapathy
2. Pandiammal

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Chekkanurani Police Station,
Madurai District
(Crime No.44 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Laxman.K.R., Advocate.

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

For Intervenor : M/s.V.Chandrapandi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.44 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 468 and 506(ii) IPC, in Crime No.44 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners received a sum of Rs.4,20,000/- from the de-facto complainant by giving false promise that they would arrange Government job and thereafter, they failed to secure the job and refused to return the said amount. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and he has been falsely implicated in this case. He would further submit that petitioners in order to show their *bona fide*, they are ready and willing to deposit a sum of Rs.2,00,000/- and also filed an affidavit sworn by the petitioners, wherein the petitioners have specifically undertaken to deposit Rs.2,00,000/- (Rupees Two Lakhs only) before the Jurisdictional Court.

4.The learned counsel for the intervenor would submit that the petitioners have already involved in the similar offence in Crime No.37 of 2019. He would further submit that the petitioners have received a sum of Rs.4,50,000/- from the de-facto complainant by giving false promise to get a job.

5.The learned Government Advocate (Crl. side) would submit that it is a case of job racketing and that the petitioners are said to have received a sum of Rs.4,20,000/- from the de-facto complainant by giving false promise to secure job.

6.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioners and also the fact that the investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before the learned Judicial Magistrate No.2, Usilampatti, Madurai District, to the credit of Crime No.44 of 2022 without prejudice to his rights and contentions within a period of four weeks from the date of receipt of a copy of this order;

8.On such deposit, the petitioners are ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.2, Usilampatti, Madurai 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 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 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]**; and;

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

Sd/-

17/02/2022

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/ /2022

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

SJI

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,
USILAMPATTI, MADURAI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHEKKANURANI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LAXMAN.K.R. Advocate SR.No.7155

ORDER

IN

CRL OP(MD) No.3031 of 2022

Date :17/02/2022

SP/PN/SAR IV/01/03/2022/3P/6C

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