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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4380 of 2022

Ravi,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Cr.No. 233 of 2017..

... Respondent/Complainant

For Petitioner : Mr.P.Veerapandi, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

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

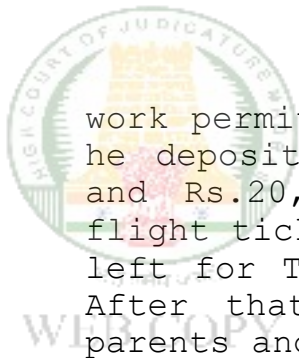
PRAYER :-

For Anticipatory Bail in Crime No.233 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 IPC in Crime No.233 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant has been looking for employment for the past six years, at that time the second accused informed that he would get a job abroad for a higher salary and introduced this petitioner to the *defacto* complainant, that the petitioner informed that he had a job in Tanzania Country and he was paid Rs.1,50,000/- per month and he would further said that if the petitioner send him to work, he would have to pay Rupees four lakhs and they entered into an agreement in a bond of Rs.20/-. The *defacto* complainant has deposited a sum of Rs.1,50,000/- in the petitioner's account on 13.04.2017 then the



work permit visa is sent to the *defacto* complainant and at he deposited Rs.1,50,000/-on 15.04.2017, Rs.43,000/- on 17.04.2017 and Rs.20,000/-on 20.04.2017, in the petitioner's account. Then flight tickets were sent to the *defacto* complainant and others. They left for Tanzania Country viz Mumbai Airport at 4AM on 24.04.2017. After that, they didn't get a job there, they contacted their parents and came to their village. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent; he has not committed any offence as alleged by the prosecution and in order to extract money from him, this case has been falsely foisted against him. There is no direct contact between the petitioner and the *defacto* complainant. Hence, he seeks for grant of anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner has committed the offence of job racketing, that the investigation is not yet completed and that the petitioner is having two previous cases of similar nature.

5. The learned counsel for the petitioner would submit that the petitioner undertakes to deposit a sum of Rs.3,43,000/- allegedly received by him and also filed an undertaking affidavit to that effect.

6. It is evident from the undertaking affidavit that the petitioner expressed his readiness and willingness to deposit a sum of Rs.3,43,000/-.

7. The learned Government Advocate (Criminal Side) would submit that the total amount involved in this case is Rs.28,58,000/- and the petitioner has allegedly received Rs.3,43,000/-. He would further submit that the second accused was already arrested and released on bail.

8.Considering the above facts and circumstances of the case and also the fact that the second accused was already arrested and released on bail and also taking note of the undertaking affidavit filed by the petitioner that the petitioner is also ready and willing to deposit the amount of Rs.3,43,000/- (Rupees Three Lakhs Forty Three Thousand only), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is directed to deposit a sum of Rs.3,43,000/- (Rupees Three Lakhs Forty Three Thousand only), before the learned Judicial Magistrate No.II, Virudhunagar, to the credit of Crime No.233 of 2017 without prejudice to his rights and contentions within a period of fifteen days from the date of receipt of a copy of this order.



10. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his 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, 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:

(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 am 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;

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

sd/-

13/09/2022

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

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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,
VIRUDHUNAGAR

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.P.VEERA PANDI, Advocate (SR-9996[I] dated 15/09/2022)

ORDER

IN

CRL OP(MD) No.4380 of 2022

Date :13/09/2022

PKP/SBN/SAR-1/15.09.2022/4P/6C