



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5686 of 2022

Narayanaswamy

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Madurai City.
(In Crime No. 38 of 2021).

... Respondent/Complainant

For Petitioner : M/s.ANAND.R,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.38 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

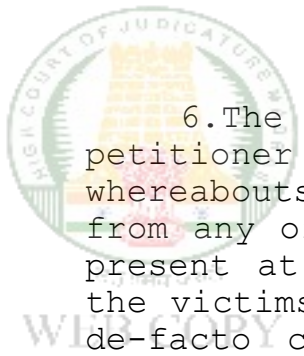
The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC, in Cr.No.38 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A1 received a sum of Rs.90,00,000/- from the de-facto complainant and other victims by giving false promise to get Government job. Hence, the complaint.

3.When the matter was taken up for hearing for hearing on 28.03.2022, the learned counsel for the petitioner submitted that the petitioner is ready to appear before the respondent police for enquiry and willing to co-operate for the enquiry.

4.In pursuance of the same, the petitioner has appeared before the respondent police and co-operated for the enquiry.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a clear case of job racketing, that the petitioner is the father of A1, who is the main accused and that A1 has received a sum of Rs.90,00,000/- from the nine victims.



6.The learned counsel for the petitioner would submit that the petitioner is the father of A1 and he is not aware of the whereabouts of the first accused and he has not received any amount from any of the victim and that the only allegation is that he was present at the time of some payments alleged to have been made by the victims to the first accused. He would further submit that the de-facto complainant has filed a petition under Section 482 of Cr.P.C. in Crl.O.P.(MD)No.4971 of 2022 before this Court seeking orders to transfer the investigation and during enquiry, the learned Government Advocate (Crl. side), submitted that the respondent conducted investigation and found that there is no proof that the de-facto complainant and his family members paid a sum of Rs.90,00,000/- to the accused persons and recording the same, that petition was ordered to be dismissed.

7.At this juncture, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically undertaken to deposit a sum of Rs.5,00,000/- to the credit of Crime No.38 of 2021 on the file of the learned Judicial Magistrate No.I, Madurai, without prejudice to his rights and contentions.

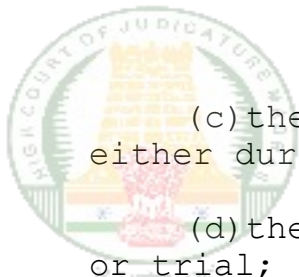
8.Considering the above facts and circumstances of the case and also the stand taken by the respondent police in Crl.O.P.(MD)No.4971 of 2022, that the petitioner is not having any bad antecedents and also taking note of the undertaking affidavit given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

9.Accordingly, the petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.38 of 2021 on the file of the learned Judicial Magistrate No.I, Madurai, without prejudice to his rights and contentions.

10.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.



(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

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

sd/-

27/04/2022

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/ /2022

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.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI CITY.

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

+1. CC to M/S.ANAND.R Advocate SR.No.3941

ORDER

IN

CRL OP(MD) No.5686 of 2022

Date :27/04/2022

SA/JM/SAR.2/02.05.2022/3P/6C

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