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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . No.9458 of 2022

Manoharan

... Petitioner/Accused No.5

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Karur District.
(Crime No.14 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Karunakaran, K.M.
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 14 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused No.5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 420, 465, 468 of IPC, in Crime No.14 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons received a sum of Rs.14,00,000/- 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 for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the State would submit that it is a case of job racketing and that the petitioner said to have received a sum of Rs.14,00,000/- from the de-facto complainant by giving false promise to secure job. He would further submit that the investigation is almost completed.

5.Considering the above facts and circumstances and also considering the fact that the alleged occurrence took place in 2018 and taking note of the fact that the substantial portion of the investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate No.II, Karur, to the credit of Crime No.14 of 2021 without prejudice to his rights and contentions within a period of two weeks from the date of receipt of a copy of this order;

7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.II, Karur District 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:

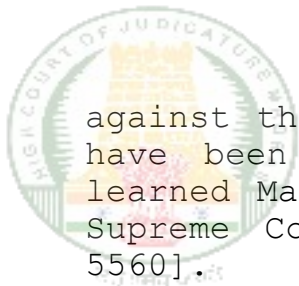
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police weekly twice daily i.e., on every Monday and Thursday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation.

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

(d)the petitioner 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 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].

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

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TO

- 1.The Judicial Magistrate No.II,
Karur.
- 2.Do Through The Chief Judicial Magistrate,
Karur.
- 3.The Inspector of Police,
District Crime Branch,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.9458 of 2022
Date : 18/05/2022

TR/VR/SAR-IV(23.05.2022) 3P 5C