



WEB COPY

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

Date : 05/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.8569 of 2021

Balamurugan ... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(In Crime No.13/2020) ... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime NO. 13 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 468, 420 and 120(b) of I.P.C, in Crime No.13 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that it is a case of job racketing. The petitioner along with the other accused, received a sum of Rs.38 lakhs from the defacto complainant and various persons by promising to secure the job in abroad. But, later, he neither secured the job nor repaid the amount. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner herein was working



as driver under the co-accused A1 & A2, who are the husband and wife. They also promised to him to arrange a job for him in abroad and he has also paid a sum of Rs.2 lakhs. After knowing the activity of the first and second accused, he withdrew from the job and lodged a complaint against the co-accused, on 02.08.2018. Which was also registered in G5/037044/3835/GDP/2018. But, what happened to the above said complaint is not clear on record. In that complainant, it is stated that the co-accused were engaged in agency of sending people to abroad for job and on that ground only, he has also paid Rs.2 lakhs. He also introduced some of the persons to them. Since of the above said introduction, he suffered at the hands of the police. When he demanded money back, he was criminally intimidated by them. Upon which, the above said case has been given as mentioned above. After a lapse of two years, the petitioner was implicated in this case came to be registered, on 20.10.2020 stating that the petitioner was also involved in the above said occurrence and he has also received amount from the victims.

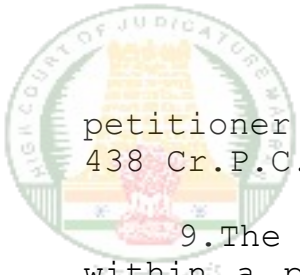
4. According to the learned counsel for the petitioner, he received the amount only on behalf of the co-accused and later, it was also handed over to them and no materials available on record to prove that. This Court, by the order, dated 18.08.2021, has granted interim anticipatory bail to the petitioner for a period of two weeks with the condition that he should appear before the respondent police daily at 10.30 a.m and co-operate to complete the investigation and thereafter, the matter was repeatedly got adjourned and interim anticipatory bail was also extended.

5. The learned Additional Public Prosecutor for the respondent police would submit that the petitioner appeared before the respondent police and co-operated for enquiry. Since the absconding of the co-accused, investigation was not completed. It was informed and thereafter, the petitioner was instructed to appear before the respondent police as and when required.

6. The counter complaint given by the petitioner against the co-accused is a matter for investigation.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner is enjoying the order of interim anticipatory bail and the co-accused have not been secured so far, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The



petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
05/01/2022

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

DSS

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

ORDER
IN
CRL OP(MD) No.8569 of 2021
Date :05/01/2022