



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

Date : 14.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10504 of 2022

WEB COPY

1.Vijayaragunathan
2.Vimala

... Petitioners/Accused Rank Not Known

Vs.

State represented by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.428 of 2022)

... Respondent/Complainant

For Petitioners : Mr.J.Sankara Pandian,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

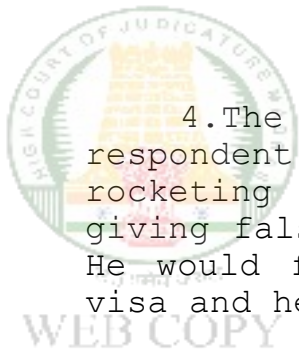
For Anticipatory Bail in Crime No.428 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No.428 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners cheated the defacto complainant by giving false promise that they will arrange to get a job in abroad. But, they have not acted as promised by them and they have not returned back the money. Hence, the complaint.

3.The learned counsel for the petitioners would submit that even as per the case of the defacto complainant, the petitioners had arranged job at Dubai; that the defacto complainant went there and worked therefor 8 months and that thereafter, by alleging that salary was not paid, returned back to India and that thereafter, he has preferred the above complaint, falsely implicating the petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that it is a clear case of job rocketing and that the accused cheated the defacto complainant by giving false promise that they will arrange to get a job in abroad. He would further submit that the complainant was sent on tourist visa and he was detained for 15 days.

5.Considering the facts and circumstances of the case and also the facts that the alleged amount of Rs.90,000/- was paid in the year 2019, that the defacto complainant went Dubai and got engaged for 8 months and that the petitioners are not having any previous cases for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Thanjavur, Thanjavur 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 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 am 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/06/2022

/ TRUE COPY /

/ /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.

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.J.SANKARA PANDIAN, Advocate (SR-5563[I] dated
15/06/2022)

ORDER
IN
CRL OP(MD) No.10504 of 2022
Date :14/06/2022

RS/VR/SAR.6 (17.06.2022) 3P-6C