



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.02.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.11025 and 20007 of 2021

S.Robin Raju

... Petitioner/Unnamed Accused
(in CRL OP(MD).No.11025/2021)

V.Vimal Kumar

... Petitioner/Accused A2
(in CRL OP(MD).No.20007/2021)

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Trichy.
(Crime No.13 of 2021)

... Respondent/Complainant
(in both petitions)

(in CRL OP(MD) .No.11025/2021)

For Petitioner : Mr.N.BALASUBRAMANIAN,
Advocate.

(in CRL OP(MD) .No.20007/2021)

For Petitioner : Mr.S.RAMSUNDARVIJAYRAJ,
Advocate.

(in both petitions)

For Respondent : Mr.MUTHUMANIKKAM,
Government Advocate (Crl. Side)

For Intervenor : Mr.D.S.HAROON RASHEED.,
Advocate.

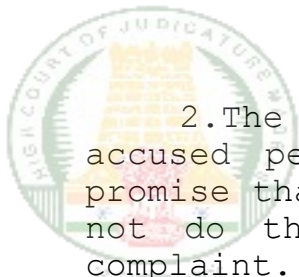
PETITIONS FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

COMMON PRAYER :-

For Anticipatory Bail in Crime No.13 of 2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following common order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 467, 468 and 471 IPC, in Crime No.13 of 2021, on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner along with accused persons cheated the defacto complainant by giving false promise that they will arrange to get a job in abroad. But, they did not do the same, and not returned back the money. Hence, the complaint.

3.The learned counsel for the petitioners would submit that in the FIR, the amount involved is shown as Rs.1,35,000/- that the third accused was already arrested and released on bail as he had deposited Rs.1,00,000/- as per the orders of jurisdictional Magistrate and that the petitioners without prejudice to their right, are ready to deposit the amount of Rs.1 lakh.

4.When the matter is taken up for hearing, the learned counsel for the petitioners has filed an undertaking affidavit, wherein, they have specifically undertaken that they will deposit Rs.1 lakh.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that it is a clear case of job rocketing, that though Rs.1,35,000/- was mentioned in the FIR, after investigation, they came to know that the accused have cheated Rs.14,00,000/- and that the fourth and fifth accused are absconding.

6.Considering the facts and circumstances of the case and also the fact that the third accused had already been released on bail and also taking note of the undertaking affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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.I, Trichy, 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 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 are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only)** to the credit of Crime No.13 of 2021 on the file of the respondent police before the learned Judicial Magistrate Court No.I, Trichy, within a period of two weeks from the date of receipt of a copy of this order.

[c] 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.



[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners 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]**.

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

sd/-

22/02/2022

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

ORDER

IN

CRL OP(MD). Nos.11025 and
20007 of 2021

Date :22/02/2022

SA/PN/SAR.2/02.03.2022/3P/5C