



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/08/2022

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD). No.13661 of 2022

WEB COPY

B.Rajkumar

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Cr.No.172 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Gurubalachandran.E.R., Advocate.
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.172/2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC in Crime No.172 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.On 25.05.2022, this Court has dismissed the anticipatory bail petition filed by the petitioner, which reads as follows:

"The case of the prosecution is that the petitioner cheated the de-facto complainant by giving false promise to secure Government job and received a sum of Rs.3,25,000/-. Thereafter, the petitioner has neither secured the job nor repaid the amount. Hence, the de-facto complainant lodged a complaint and based on the said complaint, a case was registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is only the close relative of a Government servant. If a case is registered against him, he would have paid the money and therefore, a false case has been foisted against him.



4.The learned Government Advocate (Crl. side) strongly opposed to grant anticipatory bail to the petitioner since it is a case of job racketing.

5.Though the alleged transaction is made before 10 years, no complaint has been registered. Hence, the de-facto complainant filed a writ petition before this Court and this Court directed the respondent police to consider his representation and also made enquiry. Based on the direction of this Court, the respondent police made enquiry and found that there was a prima facie case and therefore, registered the present case against the petitioner.

6.Therefore, under these circumstances, if the petitioner is enlarged on anticipatory bail, there is a possibility of tampering the witnesses and hampering the investigation that he has managed the respondent police for the past 10 years and hence, if he is released on anticipatory bail, certainly, he would protract the investigation by using influence, this Court is not inclined to grant anticipatory bail to him.

7.Accordingly, this Criminal Original Petition is dismissed."

3.This is the second anticipatory bail application filed by the petitioner. This Court, time and again reported that once the anticipatory bail petition is dismissed, more so when the prosecution strongly objected to grant anticipatory bail, the prosecution has to immediately arrest the accused and remand, during pending investigation. Despite that, the respondent police are not following the strict instructions given by this Court. This is one of the sample cases of this nature. However, after filing this application, the petitioner was remanded and released on bail by the Special Court, on payment of alleged cheating amount.

4.In view of the subsequent development, this Criminal Original Petition is dismissed as infructuous.

sd/-

17/08/2022

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/08/2022

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

TO

1.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.



CRL OP(MD). N



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2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS/JM/SAR.4 (29.08.2022) 3P-3C

ORDER

IN

CRL OP(MD) No.13661 of 2022

Date :17/08/2022