



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

Date : 17/03/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.13922 of 2021

WEB COPY

1. R.Moshidhayan @ Pallavilai Rajesh  
2. P.Sheeja

... Petitioners/Accused 1 & 2

**Vs**

State Rep.by  
The Inspector of Police,  
Kanyakumari District Crime Branch @ Nagercoil,  
Kanyakumari District.  
(Crime Number 28/2021).

... Respondent/Complainant

Jonesraj ... Petitioner/Intervener/Defacto Complainant

For Petitioner : M/s.Cibi Chkraborthy T, Advocate  
For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)  
For Intervenor : Mr.C.Mayil Vahana Rajendran, Advocate

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

**PRAYER :-**

For the Anticipatory bail in the Crime No.28/21 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 120(b), 420 and 506(ii) IPC, in Crime No.28 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner along with others have received a sum of Rs.5,00,000/- from the de-facto complainant by giving false promise to get a permanent job in Women's Christian College, Nagercoil through the Principal and Correspondent of the College namely, Nirmala Nallathambi/A3 and V.Sundar Raj/A4 and thereafter, they failed to secure the job and refused to return the said amount. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that petitioners in order to show their *bona fide*, they are ready and willing to deposit a sum of Rs.5,00,000/- and also filed an affidavit sworn by the petitioners, wherein the petitioners have specifically



undertaken to deposit Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.28 of 2021 before the Jurisdictional Court within a period of one month.

4.The learned counsel for the intervenor would submit that the petitioners have already filed a quash petition in Crl.O.P.(MD) No.19598 of 2021 before this Court and the same is still pending. He would further submit that the petitioners have received a sum of Rs.5,00,000/- from the de-facto complainant by giving false promise to get a permanent job.

5.The learned Government Advocate (Crl. side) would submit that it is a case of job racketing and that the petitioners said to have received a sum of Rs.5,00,000/- from the de-facto complainant by giving false promise to secure job.

6.Considering the facts that the incident alleged to have happened in the year 2011 and also taking note of the undertaking affidavit given by the petitioners and also the facts that the substantial portion of the investigation might have been completed by this time and that the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District, to the credit of Crime No.28 of 2021 without prejudice to thier rights and contentions within a period of three weeks from the date of receipt of a copy of this order. On such deposit, the de-facto complainant is permitted to withdraw the 50% of the said amount;

8.On such deposit, the petitioners are ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari 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 Aadhar 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 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/03/2022

/ 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.

**TO**

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-2182[I] dated 18/03/2022)

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-2167[I] dated 18/03/2022)

ORDER IN

CRL OP(MD) No.13922 of 2021

Date : 17/03/2022

RS/VR/SAR.4 (25.03.2022) 3P-7C

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