



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.14398 of 2021

1. Subbulakshmi
2. Chandran

... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by
The District Crime Branch Officer,
District Crime Branch,
Virudhunagar District.
(In Crime No.3 of 2021)

... Respondent/Complainant

Padmavathi

... Petitioner/Intervener
IN CRL.MP(MD).7886/2021 IN
CRL.OP(MD).14398/2021

For Petitioner : M/s.INDRACHITHU.T,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)

For Intervenor : Mr.P.GANAPATHY SUBRAMANIAN, Advocate

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

PRAYER :- For an Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 34 IPC, in Crime No.3 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with A1 received a sum of Rs.61,53,000/- from the de-facto complainant by giving false promise to get a job in the Principal Administrative Officer in Rajaji Government Hospital, Madurai 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 teachers and the de-facto complainant was working as Headmistress in Kariapatti Panchayat Union Primary School at Kariapatti and that the entire allegations are levelled against A1.

4.The learned Government Advocate(Crl.Side) would submit that it is a case of job racketing.

5.When the matter was taken up for hearing on 07.03.2022, the learned counsel for the petitioners have filed an undertaking affidavit sworn by the petitioners, wherein, they have specifically given an undertaking that they are ready to repay the amount of Rs.4,32,000/- to the de-facto complainant by demand draft.

6.The learned counsel for the intervenor would submit that the de-facto complainant has received a sum of Rs.4,32,000/- as demand draft from the petitioners and he has no objection for granting anticipatory bail to the petitioners.

7.Considering the facts and circumstances of the case and also taking note of the payment made by the petitioners and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

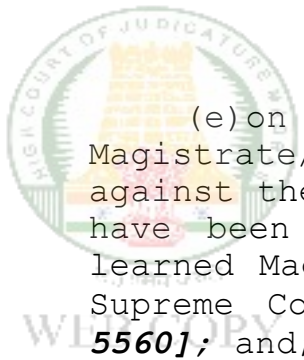
8.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or 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/-

11/03/2022

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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.II, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE DISTRICT CRIME BRANCH OFFICER,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.INDRACHITHU.T Advocate SR.No.2030

ORDER

IN

CRL OP(MD) No.14398 of 2021

Date :11/03/2022

SA/PN/SAR.3/16.03.2022/3P/6C