



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

Date : 22/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.16337 of 2021

WEB COPY

R.Marikannan

... Petitioner/Sole Accused

Vs

1. The State Rep. By,
The Inspector of Police,
District Crime Branch,
Trichy District.
Cr.No. 23/2021.

[1st respondent amended vide order dated
15.12.2021 in Crl.M.P. (MD)No.10809 of 2021]

2. Karthikeyan

[R2 suo-motu impleaded vide order dated
10.01.2022 in Crl.OP(MD)No.16337 of 2021]

... Respondents/Complainants

For Petitioner : M/s.Rajeshwaran K,
Advocate.

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

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

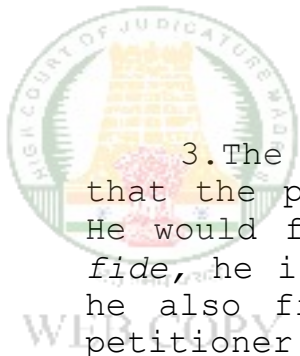
PRAYER :-

For Anticipatory bail in Crime. No. 23 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 420 and
506(i) IPC, in Cr.No.23 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner received a
sum of Rs.11,00,000/- from the de-facto complainant and other person
by giving false promise that he would arrange Government job and
thereafter, he failed to secure the job and refused to return the
said amount. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is not responsible for the entire transaction. He would further submit that petitioner in order to show his *bona fide*, he is ready and willing to deposit a sum of Rs.4,00,000/- and he also filed an affidavit sworn by the petitioner, wherein the petitioner has specifically undertaken to deposit Rs.4,00,000/- (Rupees Four Lakhs only) before the Jurisdictional Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a clear case of job racketing and the petitioner alleged to have received a sum of Rs.11,00,000/- from the de-facto complainant and other persons by giving false promise to secure job.

5.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) before the learned Judicial Magistrate No.I, Trichy, to the credit of Crime No.23 of 2021 without prejudice to his rights and contentions within a period of eight weeks from the date of receipt of a copy of this order, failing which the said order will be cancelled:

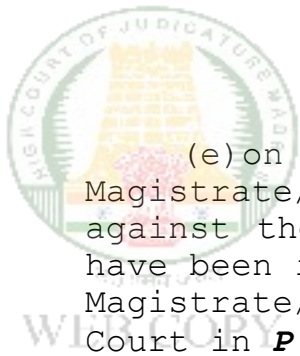
7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.I, Trichy on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/02/2022

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-1417[I] dated 23/02/2022)

ORDER
IN
CRL OP(MD) No.16337 of 2021
Date :22/02/2022

USK/VR/SAR-I/02.03.2022/3P/6C

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