



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

Monday, the Seventh day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.10132 of 2021
in
CRL OP(MD) No.11034 of 2021

PERIYASAMY

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 DHANYA

2 KARUNANITHI

... RESPONDENT NO.1 & 2/PETITIONER

3 STATE REP.BY

THE INSPECTOR OF POLICE
SUBRAMANIPURAM POLICE STATION,
CRIME BRANCH, MADURAI CITY.
CR.NO. 554 OF 2019.

... RESPONDENT NO.3/RESPONDENT

For Petitioner : Mr.D.Pandiarajan,
Advocate.

For Respondents :Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side) for R3.

PRAYER :-

To cancel the bail granted to the 1st Respondent vide order dt.10.8.2021 made in Crl.OP.(MD).No.11034 of 2021 on the file of this Honble Court.

ORDER : The Court Made the following order :-

Heard the learned counsel for the defacto complainant and the learned Government Advocate (Crl. Side) for the State. Notices were sent to the accused/respondents 1 and 2, it has been returned with endorsement as unclaimed.

2.The accused filed Crl.O.P.(MD)No.11034 of 2021. It is a case of job racketing. Therefore, the first petition for anticipatory bail was dismissed as 24.07.2019. The dismissal order read as under:-

"Vide order dated 27.11.2019, their earlier petition for anticipatory bail was dismissed. Paragraph No.3 of the said order reads as follows:-



"It is a classic case of job racketing. The defacto complainant had parted with a sum of Rs.8,00,000/- for procuring a job in ESI. A portion of the amount was transferred to the petitioners' account through online transaction. The petitioners have also given a cheque in favour of the defacto complainant. The said cheque on being presented was dishonoured."

3.However, a second petition was filed and the accused on their own came forward to pay a sum of Rs.3,00,000/- to the defaco complainant without prejudice their defence in the trial. Since such a undertaking was given, anticipatory bail was granted on 10.08.2021. It is now stated by the defacto complainant that this undertaking has not been honoured. Therefore, the order dated 10.08.2021 made in Crl.O.P.(MD)No.11034 of 2021 granting anticipatory bail to the accused is set aside. Crl.M.P.(MD)No.10132 of 2021 is allowed. Since the accused are not having any protection of anticipatory bail, it is for the police to take action as per law.

sd/-

07/02/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO IV
MADURAI, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
SUBRAMANIPURAM POLICE STATION, CRIME BRANCH,
MADURAI CITY.

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

ORDER

IN

CRL MP(MD) No.10132 of 2021

IN

CRL OP(MD) No.11034 of 2021

Date :07/02/2022

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MK/SBN/SAR.III/15.02.2022/4P/5C

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