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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17043 of 2022

P.Venkatasubramanian

... Petitioner

Vs

1.The Sub Inspector of Police,
Rural Police Station,
Virudhunagar District.
(Crime No.21 of 2022)

... Respondent

2.Karnan

...Intervener/
Defacto Complainant
in Cr1 MP(MD)No.12468 of 2022

For Petitioner : M/s.Thalaimutharasu.G,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Cr1.Side)

For Intervenor : M/s.S.Poornachandran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2022 on the file of
the respondent Police.

[Crime number and offences are amended vide order dated 11.11.2022
in Cr1.M.P.(MD)No.13840 of 2022]

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 120B,
406, 420, 294(b) and 506(1) IPC in Crime No.21 of 2022, seeks
anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



2.The case of the prosecution is that the petitioner is accused by giving false promise to get Government job, received a sum of Rs.10,00,000/- from the de-facto complainant and thereafter, they failed to secure the job and refused to return the said amount. Hence, the complaint.

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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 further submit that A3 was already granted anticipatory bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl. Side) would submit that it is a case of job racketing and the petitioner and other accused have received a sum of Rs.10,00,000/- from the de-facto complainant by giving false promise to secure Government job and A3 was already granted anticipatory bail and three witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

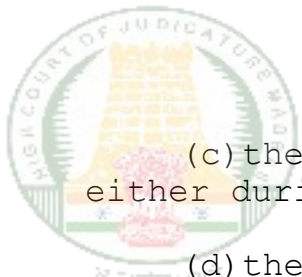
6.Considering the facts and circumstances of the case and also considering the fact that A3 was already granted anticipatory bail and three witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.21 of 2022 before the learned Judicial Magistrate No.II, Virudhunagar**, without prejudice to his rights and contentions before the trial Court.

8.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.



(c) the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/11/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

3. THE SUB INSPECTOR OF POLICE,
RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12927[I] dated 14/11/2022)

ORDER

IN

CRL OP(MD) No.17043 of 2022

Date : 11/11/2022

RK/VR/SAR-3 (21/11/2022) 3P/6C