



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.19940 of 2022

Rajmohan

... Petitioner/Sole Accused

Vs

The State Rep.by
The Sub Inspector of Police,
Pathamadai Police Station,
Tirunelveli District.
(Crime No.270 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Saravanan D,
Advocate

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

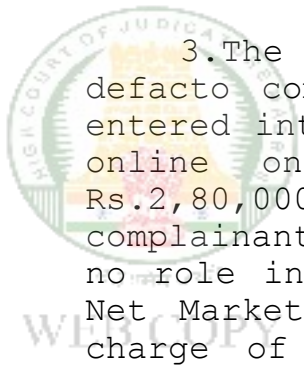
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.270 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 Section 420 of IPC, in Crime No.270 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the classmate of defacto complainant informed that there was a job opportunity in a Multinational Company and further, informed that initially they will pay a sum of Rs.12,000/- as monthly salary for the said job. The petitioner/accused demanded Rs.2,80,000/- as advance amount for that job. Hence, the defacto complainant transferred Rs.1,40,000/- from his bank account and Rs.1,40,000/- from his younger brother Mathialagan's account and waiting for a job, but the petitioner did not arrange any job and failed to refund the same. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the defacto complainant interested in starting marketing business had entered into an agreement for starting a marketing business through online on 16.10.2020. Thereafter, he invested a sum of Rs.2,80,000/-. It is purely private contract between the defacto complainant and the Net Marketing Services and the petitioner has no role in it. The petitioner transferred the said amount to 'Q' Net Marketing Business and One Naresh and Prabakaran are the in charge of the said company. In fact, the petitioner is also invested the amount and he is also a victim. He would further submit that the dispute is only civil in nature and the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that the accused persons cheated the defacto complainant to the tune of Rs.2,80,000/-. He would further submit that the petitioner is not having any previous case and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the nature of the charges levelled against 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, but with certain conditions.

6.Accordingly, 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, Cheranmahadevi, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.270 of 2021 before the learned Judicial Magistrate, Cheranmahadevi**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.



[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/11/2022

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/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D SARAIVANAN, Advocate (SR-14070[I] dated 30/11/2022)

ORDER
IN
CRL OP(MD) No.19940 of 2022
Date :29/11/2022

cp
MK/SSS/SAR IV/15.12.2022/3P/6C