



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/11/2022
PRESENT

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

CRL OP(MD). No.20198 of 2022

Senthilkumar @ Senthil

... Petitioner/2nd Accused

Vs

The State rep.by
(*)The Inspector of Police,
District Crime Branch,
Karur District.

()Crime No.27 of 2022.**

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J,
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.27 of 2022** on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 464, 468 and 506(ii) IPC, in **(**)Crime No.27 of 2022**, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is an Engineering Graduate and now he is working as Postman. During the year 2020, the de-facto complainant had written exam to the Electrician Post conducted by the TNPL, Karur and waited for result. At that time, his father approached the petitioner to confirm his son's job at TNPL, the petitioner had introduced A1 to his father and they demanded Rs.12 lakhs to offer job. Accordingly, the de-facto complainant given the said amount to the accused persons, for which, they had given appointment order in the name of the de-facto complainant. Later, he enquired with TNPL, Karur Office, revealed that the accused persons issued fake appointment order in order to cheat him. Thereafter, the de-facto complainant asked the accused persons to get back the amount, the accused persons threatened the de-facto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 was already arrested and released on bail by the trial Court. Hence, he prays for anticipatory bail.

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4.The learned Government Advocate(Crl.Side) would submit that it is a case of job racketing and there are two accused in this case and the petitioner is arrayed as A2. The petitioner and other accused, by giving false promise to get a job from TNPL, received a sum of Rs.12,00,000/- and also given fake appointment order to the de-facto complainant. A1 was already arrested and released on bail by the trial Court on condition to deposit a sum of Rs.5,00,000/-. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that A1 was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of **(**)Crime No.27 of 2022** before the learned Judicial Magistrate No.I, Karur, without prejudice to his rights and contentions before the trial Court.

7.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.I, Karur, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/11/2022

(*) (**) Amended as per order of the Court dated 22/11/2022 in CrI.MP (MD).14353/2022 in CrI.OP (MD). 20198/2022.

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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 NO.I,
KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL KUMARAIAH J Advocate SR.No.13483

ORDER

IN

CRL OP (MD) No.20198 of 2022

Date :22/11/2022

SJI

SA/SSS/SAR.3/02.12.2022/3P/6C