



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

Date : 02/12/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.21406 of 2022

1. Eswaran @ Muneeswaran,
2. Vanitha

... Petitioners/Accused No.2 & 3

Vs

The state rep.by
The Inspector of Police,
District Crime Branch, Theni,
Theni District.
(Crime No.29/2022).

... Respondent/Complainant

For Petitioners	:	M/s.Senguttuarasan P, Advocate.
For Respondent	:	Mr.E.Antony Sahaya Prabahar, Additional public prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.29/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 & 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 468, 471, 420, 120(b), 294(b) & 506(i) of IPC, in Crime No.29 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are brother and wife of the first accused, who is running a Institute for Railway Technical Education. The first accused and the petitioners said to have received a sum of Rs.36,84,000/- from the defacto complainant and others by giving a false promise that they will get a job in Railway Department and also issued a fake appointment order. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submitted that there was money transaction between the first accused and the defacto complainant. The petitioners happened to be the brother and wife of the first accused, they have been implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that this is a case of job rocketing. There are 3 victims. The amount involved in this case is Rs.36 lakhs. The first petitioner is having 2 previous cases similar in nature. He would fairly submitted that except the allegation that the second petitioner was also present at the time of transaction, no other allegation has been made with regard to the transaction.

5. Considering the antecedent of the first petitioner, this petition is dismissed insofar as the first petitioner is concerned. Insofar as the second petitioner is concerned, she is the wife of the first accused and no way connected with the above said transaction between the defacto complainant and the first accused, this Court is inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate Court, Theni, Theni District, on condition that the second 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 the second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

02/12/2022

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/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE, THENI

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, THENI, THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.Senguttuarasan P, Advocate. SR-14245

ORDER IN

CRL OP(MD) No.21406 of 2022

Date :02/12/2022

dss

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