



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21879 of 2022

1. M.Paramasivam
2. P.Suresh Raja

... Petitioners/Accused 1 & 2

Vs

The State Rep.by
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
Crime No.289 of 2022

... Respondent/Complainant

For Petitioner : M/s.Sankar K,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

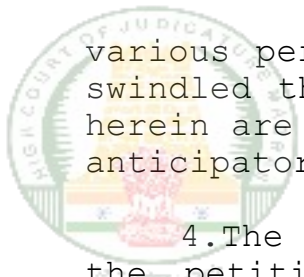
PRAYER :-For Anticipatory Bail in Crime No.289 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.289 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant are friends and the A2 is a son of the A1. A1 had introduced the A3 to the defacto complainant for getting a Government job to his son and that the defacto complainant has paid more than Rs.5,00,000/- in the year 2021 through bank transactions to A3, but, he has not arranged any job and hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence and their names have been falsely implicated in this case. He would further submit that that A3 is the main accused and the petitioners herein are victims in the said transaction. Based on the representation of A3, the petitioners have collected money from



various persons and deposited in the account of A3 and the A3 swindled the amount. He would further submit that the petitioners herein are not beneficiaries in this transaction and hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners have cheated the defacto complainant and other victims by receiving more than a sum of Rs.8,50,000/- for obtaining job in Government Department and in this case the entire amount was deposited in the account of A3. He would further submit the petitioners only induced the victim to deposit the amount and hence, he opposes to grant anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that the entire amount was deposited in the account of A3 and that the petitioners are not beneficiaries in this transaction, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Tenkasi**, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders. The 2nd petitioner shall appear before the respondent police daily at 10.30 am for a period one week and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



[f] If the accused thereafter absconds, a fresh FII be registered under Section 229A IPC.



sd/-
14/12/2022

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/12/2022

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

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TO

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

ORDER
IN
CRL OP(MD) No.21879 of 2022
Date :14/12/2022

TRP
MK/BUC/SAR I/26.12.2022/3P/5C