



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

Date : 15/12/2022

PRESENT

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

CRL OP(MD) . No.22169 of 2022

1. Sethurajan
2. Subramanaian
3. Vignesh

... Petitioners/Accused No.1 to 3

Vs

The State Rep. by,
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.22/2022).

... Respondent/Complainant

For Petitioner : Mr.G.Prabhu Rajadurai, Advocate
for Mr.R.Vinoth
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.22/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420, 120(B) and 506(i) IPC in Crime No.22 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that he is running a HP Gas Agency in Uruthikottai Village and that A1 and A3 are sons of A2 and the accused are distant relatives to him. During the earlier regime, the first accused was working as IT Wing of ADMK and the second accused was working as Agricultural Wing of ADMK and the third accused was working as a Staff in Ration Shop. While so, during 2019, the accused had approached the de-facto complainant stating that they are having influence in the Secretariat and they had offered and induced the de-facto



complainant to secure job for his niece in DRO's Office as an Assistant and received Rs.24,00,000/- and later, during the year 2020, had issued fabricated appointment orders and when the niece of the de-facto complainant gone to join work, it was found that the appointment orders were fabricated. Hence, the case.

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3.The learned counsel for the petitioners would submit that this is the second application for anticipatory bail and when the earlier application was argued certain important facts were not brought to the knowledge of this Court. He would further submit that the first petitioner is a Civil Engineer having completed B.E. The de-facto complainant had constructed a house in his village and the first petitioner was a contractor for the construction and he had invested Rs.13,00,000/-. However, the de-facto complainant did not pay the amount as promised and thereby, the first petitioner had stopped the construction and thereby, there was a dispute and in the dispute, a panchayat was conducted and in the panchayat, the de-facto complainant had agreed to repay an amount of Rs.13,00,000/- within two months and thereafter, the de-facto complainant has not paid the amount, whereas, in order to evade payment, he has given a false complaint. He would further submit that the case has been registered based on the directions from the Court under Section 156 (3) of Cr.P.C. Hence, he prays to grant anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioners were influential people in the ADMK. During the last regime, they have induced the de-facto complainant on the assurance of obtaining job for his niece and had received Rs.24,00,000/- and cheated the de-facto complainant and he would oppose for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the agreement, dated 12.01.2020.

6.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 No.II, Sivagangai, 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 learned Magistrate concerned 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 petitioner shall report before the responder everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 until further orders.

[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 FIR can be registered under Section 229A IPC.

sd/-

15/12/2022

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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.II,
SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VINOTH.R ---, Advocate (SR-14962[I] dated 16/12/2022)

ORDER

IN

CRL OP(MD) No.22169 of 2022

Date :15/12/2022

sj i

USK/SSS/SAR-III/26.12.2022/3P/6C