



Crl.O.P.Nos.7006 and 25791 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A1 in Crl.O.P.No.7006 of 2023 and the petitioners/A2 and A3 in Crl.O.P.No.25791 of 2023 seeks anticipatory bail in Crime No.397 of 2022 registered by the respondent police for the offences punishable under Section 420 of IPC.

2. It is stated that A2 and A3 are incidentally son and daughter of A1. Two other accused who are arrayed as A4 and A5 are the sister of A3 and mother of A3. It is thus seen that A1 to A5 are one family unit.

3. It is the case of the prosecution that the defacto complainant had been enticed to part with a sum of Rs.10,00,000/- with an offer that a job would be given in Tamil Nadu Slum Clearance Board, whereas A1 is working as an office Assistant. It is now called the Tamil Nadu Urban Habitat Development Board. It is stated that neither the amount had been returned nor the job was given which has led to the complaint being



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lodged and the FIR being registered. It is the further case of the prosecution that it is the specific case of the defacto complainant that on directions of the first accused, amounts have been paid to the Bank accounts of A2 to A4 and in this connection it is stated that in the bank account of A2 a sum of Rs.17,000/- had been credited, to the Bank of A3 a sum of Rs.3,47,000/- had been credited, to the Bank Account of A4 a sum of Rs. 3,76,000/- had been credited and to the Bank Account of A5, a sum of Rs.1,14,000/- had been credited.

4. It is also stated that A4 and A5 had earlier approached this Court seeking anticipatory bail and anticipatory bail was also granted with conditions, but they did not satisfy the conditions. Directions were issued to secure them. Accordingly they were secured, but, later they each deposited a sum of Rs.1,50,000/- and on the strength of such deposit both of them had been granted bail. However, Anticipatory Bail Application of A1,A2 and A3 are now under consideration of this Court.

5. The learned counsel for A1 stated that A1 is a Government Servant who is aged, as on date 59.5 years and stated that just before she



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is to retire from Government Service, this complaint had been lodged against her. It is also stated by the learned counsel that her son A2 is living separately for the past 5 years and therefore, the learned counsel stated that it was highly improbable that the petitioner would have directed the defacto complainant to deposit the amounts in the accounts of A2 to A5. It was stated that no transaction had been reflected in her bank account and A2 to A5 had alone received the amounts as afore mentioned.

6. It is also contented that A1 is working only as an office Assistant and that it was highly improbable that she could influence the Managing director of Tamil Nadu Urban Habitat Development Board formally called Tamil Nadu Slum Clearance Board to give employment to any person. It is also contented that after the FIR has been registered, the defacto complainant and others had come over to her house and had threatened her and this has led her to lodge a complaint on 04.10.2022. It is further stated that subsequently the defacto complainant and his men and his relatives had gone over to the house of her daughter who had also given a complaint online on 14.10.2022.



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7. It is also contended that this complaint had been initially lodged before the jurisdictional local police station but later, the defacto complainant had filed Crl.O.P.No.27103 of 2022 seeking a direction for investigation to be conducted and on directions of this Court, the investigation has been transferred to the respondent herein who had re-registered the F.I.R on 29.12.2022. It is therefore, contended that the matter had been kept pending for well over a year, and since investigation has not been done, the petitioner/A1 is entitled for anticipatory bail.

8. The learned counsel for the second and third accused/ the son and daughter-in-law of the first accused claimed total ignorance and innocence of the entire issue. The learned counsel stated that A4 and A5 had been granted bail on condition to deposit a sum of Rs.1,50,000/- each and such condition may also be imposed on the petitioners/A2 and A3. It is contended that they were not directly involved in offering employment and it was A1 who offered employment. The only issue was



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transfer of money to their accounts, for which the learned counsel stated that the monies will be restored back to the accounts of the defacto complainant or any other person as per the directions of this Court. It was thus stated, Anticipatory Bail must be granted to A2 and A3.

9. The learned Government Advocate strongly opposed granting anticipatory bail to any of the petitioners herein. It was contended that as per the directions of A1, amounts have been transferred to the separate accounts and in this connection, amounts have been transferred to the accounts of A2,3,4 and 5. It had been stated that investigation can never proceed in the absence of A1,A2 and A3 to determine the entire modus operandi of the issue.

10. It is also contented on behalf of the respondents that A1 lured persons who were in need of a job by holding out that she will secure Government job. It was further held out that the monies received should be credited to the accounts of other accused persons. It was also pointed out that all the accused persons belonged to one family unit and



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therefore, it was stated that they joined together in cheating the defacto complainant.

11. I have heard the submissions made by the learned counsel appearing on either side.

12. The only contention raised by the learned counsel for A1 is that A1 is a Government Servant and therefore, some special consideration to be given. Nevertheless a Government Servant who discharges public duty and receives the salary owing to the taxes paid by the general public owes a larger sense of duty in discharging any work entrusted. Certainly the work entrusted is not to offer Government jobs for consideration to any person.

13. The contention of the learned counsel for the first accused is that A1 should be specially considered since she is a Government Servant. It is further stated that jobs were offered only in Tamil Nadu Slum Clearance Board where she is working as a Office Assistant. The learned counsel for the first accused pointed out the improbability of the



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first accused ever offering jobs or convincing the Managing Director of the said Department to offer jobs to whoever she points out. But, one general opinion among the public is that Class IV or Group D jobs in any Government Departments are offered and filled up by nomination by higher officials and therefore, there was every possibility of the general public being misled in believing the words spoken of the possibility of entering into the Government Service. Even though it may not be a regular service in the first instance, but till recently in every Government Department, they are initially absorbed on a daily wage basis more particularly in the cadre of Class IV and thereafter slowly recognised as regular employees. This would be the nature of offer made. It is not as if A1 had offered the job of a Managing Director in Tamil Nadu Urban Habitat Development Board. What she could have offered is, at the most, a job as Class IV, she was have extremely clever in not receiving any amounts directly, but pointing out to A2 to A5 and directing the defacto complainant to transfer amounts to A2 to A5 who are complete strangers to the defacto complainant. There is no reason at all for the defacto complainant to transfer the amounts to strangers and more particularly when the strangers form part of one family unit.



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14. A1 is a Government Servant and though the F.I.R has been registered over a year back, the respondent had not taken any steps to secure A1. There is a permanent address available in the Service records of Tamil Nadu Slum Clearance Board. Either the investigation officer is not interested in taking the matter seriously or more probably he would also like to get a job for some one through the recommendations of the first accused. I hope that is not the case. The first respondent is directed to secure A1 and report before this Court on 07.12.2023.

15. I am not inclined to grant anticipatory bail to the petitioners herein. Accordingly, these criminal original petitions stands dismissed.

16. The Inspector of Police, Kammapuram Police Station, Cuddalore District should be present before this Court at 2.15 p.m on 07.12.2023 otherwise orders will be passed that the Inspector of police is hand in glove with A1.

17. Post the matter on 07.12.2023 under the caption for “reporting compliance”

21.11.2023

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