



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2023

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PRESENT

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

CRL OP(MD). No.303 of 2023

1. A.Premkumar,

2. P.Mahalakshmi,

... Petitioners/Accused Nos. 1 & 2

Vs

1.The Sub Inspector of Police,
Lalgudi Police Station,
Tiruchirappalli District.
Crime No.211 of 2022.

...1st Respondent/Complainant

2. R.Ravisankar,

... 2nd Respondent/Defacto Complainant

For Petitioner : M/s.Sudhagar Nagaraj N, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

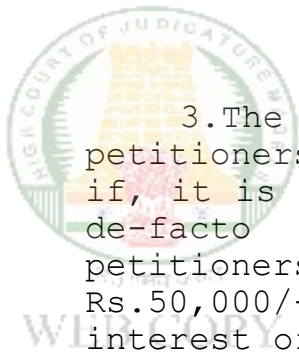
PRAYER :-

For Anticipatory Bail in Crime No.211 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b) and 506(ii) of I.P.C., in Crime No.211 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 the accused, who are husband and wife, had induced the de-facto complainant that they would get a permanent job in State Bank of India for him and had received an amount of Rs.6,05,000/- and later, cheated him. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given, as if, it is a case of job racketing. He would further submit that the de-facto complainant is the notorious money lender and the petitioners have earlier borrowed an amount of Rs.50,000/- from him and the de-facto complainant after taking the interest of Rs.2,500/- had paid Rs.47,500/- only to them. Later, the petitioners have been continuously paying the interest and that the de-facto complainant had threatened them to pay more amounts and thereby, the petitioners have earlier given a complaint against the de-facto complainant before the Lalgudi Police and an enquiry was conducted in C.S.R.No.782 of 2022 and only as a counter blast, he has given a complaint before the Court, based on which, the complaint has been forwarded to the respondent police under Section 156(3) of Cr.P.c. for registration of the case. He would further submit that a case of a money dispute has been falsely projected as a case of job racketing. He would further submit that the petitioners are ready to furnish adequate sureties for their release on anticipatory bail and to show their *bona fide*, the petitioners are ready to deposit Rs.1,00,000/- to the credit of Crime No.211 of 2022 before the concerned Magistrate. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the case has been registered based on the reference under Section 156(3) of Cr.P.C. from the learned Judicial Magistrate and as per the complaint, the petitioners have induced the de-facto complainant and received an amount of Rs.6,05,000/- for obtaining a job in State Bank of India and later, they cheated him. Hence, he strongly opposed to grant anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and the submissions made by the learned counsels and that the petitioners are ready to deposit Rs.1,00,000/- to the credit of Crime No.211 of 2022 before the trial Court, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichirappalli District Court Campus, 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.211 of 2022 before the learned Judicial Magistrate No.I, Trichirappalli District Court Campus, without prejudice to their rights and contentions, at the time of furnishing sureties.

[c] the first petitioner shall report before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police every day at 10.30 a.m for a period of one weeks and thereafter, as and when required for interrogation;

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/01/2023

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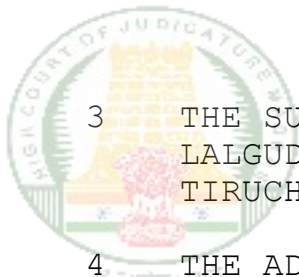
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.IV
TIRUCHIRAPPALLI, DISTRICT COURT CAMPUS.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



CRL OP(MD)



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3 THE SUB INSPECTOR OF POLICE
LALGUDI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1. CC to M/S.SUDHAGAR NAGARAJ N Advocate SR.No.1307(F)

ORDER

IN

CRL OP(MD) No.303 of 2023

Date :06/01/2023

PKP/MMS/SAR-1/20.01.2023/4P/6C