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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.02.2023

PRESENT

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

CRL.O.P(MD)Nos.2718 and 2767 of 2023

Prasanth Uthaman ...Petitioner / Accused No.4
in Crl.O.P(MD)No.2718/23

R.Vetrivel ...Petitioner /Accused No.3
in Crl.O.P(MD)No.2767/23

-vs-

The State represented by
The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District.
(in Cr.No.47 of 2023)

...Respondent / Complainant
in both petitions

PRAYER: Criminal Original Petitions are filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest by the respondent Police with respect to Cr.No.47 of 2023.

For Petitioner : Mr.R.Kannan
in Crl.O.P(MD)No.2718 of 2023

For Petitioner : Mr.R.Murugappan
in Crl.O.P(MD)No.2767 of 2023

For Respondent : Mr.A.Albert James
in both petitions Government Advocate (Crl.side)

For Intervenor : Mr.J.Balasubramanian
in both petitions

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406,
<https://www.mhfc.tn.gov.in/judis>



420, 323 and 506(i) IPC in Crime No.47 of 2023 on the file respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Thamarai Kannan is that he was running a retail Banana Leaf Shop at North Car Street, Aruppukottai and the first accused one Selvaraj was his close friend and he had promised that he would get a job for the wife of the defacto complainant in an Institution by name, Hindusthan Scouts and Guides, which was recognized by the Youth Welfare and Sports Ministry and based on that, he had parted a sum of Rs.6 lakhs and after receiving appointment letter, the wife of the defacto complainant has got a job and later it was found that the defacto complainant's wife has not joined in a Central Government recognized Institution and they were cheated by the accused. Hence, the case.

3.The learned counsel for the petitioner in Crl.O.P.No.2767 of 2023 would submit that the petitioner is an innocent person and he has been falsely roped in this case. He would also submit that the petitioner is the Former President of BJP SC/ST wing and he is also the National Executive Committee Member of BJP and he has contested election thrice and the first accused was working as Police Security Officer to him and taking advantage of the same, the first accused has cheated the defacto complainant and received money. He would also submit that the petitioner is unnecessarily dragged into this case. He prays for anticipatory bail to the petitioner.

3.i) The learned counsel for the petitioner in Crl.O.P(MD) No.2718 of 2023 would submit that the petitioner is an innocent person and a case of money dispute has been projected as a case of job racketing. The fact remains is that the defacto complainant's wife, knowing well that the Hindusthan Scouts and Guides Association is only recognized by the Ministry, joined job and she had worked there for more than 1 ½ years and she had been paid totally a sum of Rs.1,71,000/- and since she did not like the job, she has resigned her job. However, he would submit that the petitioner is liable to pay Rs.4 lakhs and out of which, he has already paid Rs.2 lakhs to the first accused and without prejudice to his contention to show his *bonafides*, the petitioner is now ready to deposit Rs. 2 lakhs to the credit of Crime No.47 of 2023 before the court.

4.The learned Government Advocate (Crl.side) would submit that the first accused in this case had induced the defacto complainant and in the guise of obtaining job, he has received Rs. 6 lakhs and later, they obtained a job in an institution, which was not recognized by the Central Government. He would further submit that the petitioner in Crl.O.P(MD)No.2767 of 2023, who is arrayed as A3 in this case, is having 6 previous cases and thereby he would oppose for grant of anticipatory bail to the petitioners.



5. In reply, Mr.Murugappan, learned counsel for the petitioner in Crl.O.P(MD)No.2767 of 2023 would submit that the previous cases are political in nature.

6. The learned counsel for the intervenor would submit that only on the assurance of giving job to the wife of the defacto complainant, the accused had cheated the amount of Rs.6 lakhs, which was paid to the Trust's account of the accused No.4. He would object for grant of anticipatory bail to the petitioners.

7. Heard and perused the materials available on record.

8.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail only to the petitioners with certain conditions.

9. 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, Aruppukottai, Virudhunagar District, on condition that the petitioners 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 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] without prejudice to his contention to show his *bonafides*, the petitioner in Crl.O.P(MD)No.2718 of 2023 shall deposit Rs. 2 lakhs to the credit of Crime No.47 of 2023 before the Judicial Magistrate, Aruppukottai, Virudhunagar District and produce proof.

[b] 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.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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.

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/03/2023

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

CM

To

1.The Judicial Magistrate,
Aruppukottai, Virudhunagar District.

2.Do-through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai, Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.KANNAN.R Advocate SR.No.3105

+2. CC to M/S.J.BALA SUBRAMANIAN Advocate SR.No.3044 & 3045

+1. CC to M/S.R.MURUGAPPAN Advocate SR.No.3073

ORDER

IN

CRL OP(MD) No.2718 & 2767 of 2023

Date :28/02/2023

ED/BUC/SAR-4 (09/03/2023) 4P 9C