



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

Dated: 20/03/2023

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.4492 of 2023

Eswaran @ Muneeswaran

...Petitioner/Accused No.2

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Theni,
Theni District.
(In Crime No.29 of 2022)

...Respondent/Complainant

For Petitioner : Mr.P.Ponraj, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.29 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 468, 471, 420, 120(b), 294(b) and 506(i) IPC, in Crime No.29 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused running an Institute called 'Railway Technical Education' They said to have received a sum of Rs.36,84,000/- from the de-facto complainant and others by giving a false promise that they will arrange a job in Railway Department and also issued a fake appointment order. Hence, this case.

3.The earlier application was dismissed by this court, considering the fact that the petitioner is involved in two previous cases, which are similar in nature. It was contended that he is only the brother of A1 and there were transactions between A1 and the de-



facto complainant herein, but however, he is no way involved in the above said transaction.

4. Reading of the FIR shows that A1 namely Jamin Prabhu running a fake institution called 'Railway Technical Education' and on the promise made by A1 to secure job, the de-facto complainant went to the house of A1, wherein A1 to A3 were present and all of them joined and made promise. Several persons similarly paid money to the accused, either in cash or through banking transactions. Totally Rs.36,84,000/- has been received by the accused. Later, they failed to secure job.

5. Reading of the FIR shows that this petitioner also present, when the above said transaction took place and also received money. So the contention on the part of the petitioner that he was not at all involved in the above said transaction is not at all correct.

6. The case in Crime No.471 of 2022 was registered, on 10/10/2022 prior to the registration of the present FIR. After the case was registered against three persons on the basis of the complaint given by one Mayan, A1 alleged to have given a complaint against the said Mayan and they attended the enquiry in the police station. After the above said enquiry, he criminally intimidated and tried to be killed also. This is the second complaint against the above said person by Poovarasan making allegation as stated above.

7. The entire CD file has also called for and perused.

8. Perusal of the CD file shows that a large scale job racket took place. It is further seen that fake appointment has also been created by the accused. The entire foundation fact has also been secured or collected by the Investigating Agency. So when a large scale job racket allegation has been made against this petitioner as well as A1, unless strong case has been made out by the petitioner, he is not entitled for discretionary relief of anticipatory bail. The first accused was arrested, on 21/10/2022 and later, released on bail. But releasing of A1 on regular bail and A3 on anticipatory bail will not help the petitioner claim the benefit. So the above said benefit that was granted to A3 cannot be extended to this petitioner. So, I find no change of circumstances from the earlier order.

9. In the result, this criminal original petition deserves dismissal and accordingly, it is **dismissed**.

sd/-

20/03/2023

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/03/2023

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



Crl.OP(MD)



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1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI,
THENI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.4492 of 2023

Date :20/03/2023

PKP/BUC/SAR-3/30.03.2023/ **3P/3C**