



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3852 of 2023

WEB COPY

1.Javeed Ali

2.T.Padmanaban

...Petitioners/Accused Nos.2&3

-vs-

The State represented by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Cr.No.22 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.22 of 2021 on the file of the respondent Police.

For Petitioners : Mr.R.Rajamohan

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

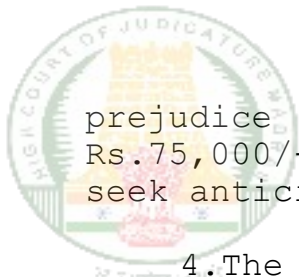
O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 465, 468 and 471 of IPC in Crime No.22 of 2021 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 petitioners along with other accused had taken an amount of Rs.3,00,000/- from the de-facto complainant for securing a job in the Collectorate and thereafter, they have handed over a fabricated appointment order to the de-facto complainant. Hence, the case.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that this is the second petition for anticipatory bail and the earlier petition in Crl.O.P.(MD)No.1022 of 2023 was dismissed by this Court, by order dated 19.01.2023 on the ground that the petitioners have got two previous cases of similar nature. He would further submit that those cases are in respect of money

<https://www.myspace.in/judis> and the petitioners to show their *bona fide*, without



prejudice to their rights and contentions, are ready to pay it Rs.75,000/- each to the credit of crime number and hence, he would seek anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners along with other accused had taken an amount of Rs.3,00,000/- from the de-facto complainant for securing a job in the Collectorat and thereafter, they have handed over a fabricated appointment order to the de-facto complainant. He would object for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of Rs.75,000/- each to the credit of crime number and on production proof for payment, 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, Virudhunagar, 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 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] 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am 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/-
28/02/2023

WEB COPY

/ TRUE COPY /

/03/2023

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

CMR

TO

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-3059[I] dated 01/03/2023)

ORDER

IN

CRL OP (MD) No.3852 of 2023

Date :28/02/2023

RK/SAR-3(10/03/2023) 3P/6C