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CRL OP(MD).



23

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

Date : 09/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4474 of 2023

1. V.Selvaraj

2. S.Gayathri

3. V.Karthick

... Petitioners/Accused No.1,2&5

Vs

The State rep.by,
The Inspector of Police,
Town Police Station,
Aruppukkottai,
Virudhunagar District.
Cr.No.47/2023.

... Respondent/Complainant

For Petitioner : M/s.Munneswaran.B,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

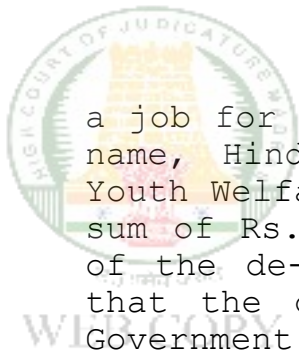
PRAYER :-

For Anticipatory Bail in Crime No.47/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 & A5 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 323 and 506(1) of I.P.C., in Crime No.47 of 2023 on the file of the 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, Aruppukkottai and the first petitioner, namely, <https://www.mca.gov.in/judis> is his close friend and he had promised that he would get



a job for the wife of the de-facto 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 de-facto 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.Heard. Perused the materials available on record including the First Information Report.

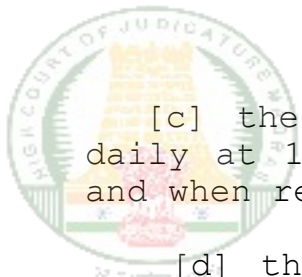
4.It is a case of job racketing. There are five accused in this case and the petitioners are arrayed as A1, A2 and A5. A5 is none other than the brother of A1. This Court had already granted anticipatory bail to A3 and A4 on condition that A4 shall deposit a sum of Rs.2,00,000/- to the credit of crime No.47 of 2023 before the learned Magistrate concerned. However, the learned counsel for the petitioners would submit that the petitioners 1 and 2, to show their *bona fides*, are ready and willing to deposit Rs.3,00,000/- to the credit of crime number, without prejudice to their rights and contentions.

5.Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.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 Court, Aruppukottai, Virudhunagar District, on condition that the petitioners shall execute a 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 1 and 2/A1 and A2 shall jointly deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.47 of 2023 before the learned Judicial Magistrate Court, Aruppukottai, Virudhunagar District, without prejudice to their rights and contentions, at the time of furnishing sureties, failing which, the anticipatory bail already granted shall stand dismissed



[c] the petitioners shall report before the respondent, daily at 10.30 a.m., for a period of two 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/-

09/03/2023

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/03/2023

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

SJI

TO

1. THE JUDICIAL MAGISTRATE ,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.M.MARI CHELLIAH PRABHU, Advocate (SR-3771[I] dated 09/03/2023)

ORDER

IN

CRL OP(MD) No.4474 of 2023

Date :09/03/2023