



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

Date : 10.04.2023

PRESENT

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

CRL OP(MD)No.6438 of 2023

1.Selvi

2.Arockiasamy

3.A.David Raja ... Petitioners / Accused No.2,3 & 5

Vs

State Represented by
The Sub-Inspector of Police,
District Crime Branch Police,
Dindigul.

(Crime No.10 of 2023) ... Respondent / Complainant

For Petitioners : Mr.R.R.Kannan, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mrs.Krishnaveni, Advocate

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

PRAYER :-

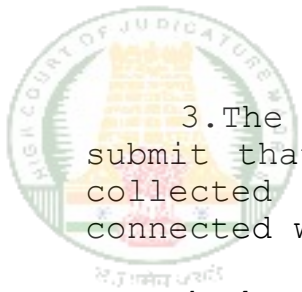
For Anticipatory Bail in Crime No.10 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2, A3 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) & 506(i) IPC in Crime No.10 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first accused and other accused received money from the victim by giving false promise of getting government job. After receiving of money, the accused persons failed to get any job and also refused to return the money.

<https://www.mca.gov.in/case>



3.The learned counsel appearing for the petitioners would submit that the petitioners are relatives of A1 and they have not collected single rupee from the victims and they are no way connected with the alleged crime.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that all the accused persons collected money from the victims in order to get job in co-operative society. In fact, a sum of Rs.1,00,000/- was transferred from the account of A1 in favour of the third petitioner herein. Therefore, custodial interrogation of the petitioners is very much required in this case and he prayed for dismissal of this petition.

5.Heard both sides and perused the materials available in the record.

6.It is seen that totally there 5 accused, in which, the petitioners are arrayed as A2, A3 & A5. First petitioner is the sister of A1. First petitioner and second petitioners are husband and wife. The third petitioner is son of the first and second petitioners. A1 and A4 in this case are husband and wife. Even according to the case of the prosecution, all the victims deposited a sum of Rs.16 Lakhs and 50 Thousand to the credit of A1 in order to get job. Thereafter, A1 failed to get any job and also refused to return the money. Though a sum of Rs.1 Lakhs was transferred by A1 in favour of third petitioner, no amount has been collected by the petitioners from any of the victims. Now, A1 and A4 are absconding till today and the respondent police failed to secure them.

7.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

8.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 No.II, Dindigul, 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 2 & 3 shall report before the respondent police daily at 10.30 A.M., for a period of two weeks and



thereafter, as and when required for interrogation and t
petitioner shall report before the respondent police as and when
required.

[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/-
10/04/2023

/ TRUE COPY /

/04/2023

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

GNS

To

1.The Judicial Magistrate No.II, Dindigul

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Sub Inspector of Police,
District Crime Branch Police,
Dindigul.

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

+1 CC to M/s.KANNAN.R.R, Advocate (SR-5642[I] dated 11/04/2023)

ORDER
IN
CRL OP(MD) No.6438 of 2023
Date :10/04/2023