



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.03.2023
PRESENT

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

CRL OP(MD).No.14163 of 2022

1.Sudha
2.Sharmila

... Petitioners/Accused 2 & 3

Vs.

The State rep.by
The Inspector of Police,
District Crime Branch,
Karur,
Karur District.
(Crime No.14 of 2021)

...Respondent/Complainant

For Petitioners : Mr.P.Krishnasamy
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.14 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 & 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 420, 465, 468 of IPC, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that A1 to A3 jointly made promise that they will arrange Government Job, for that, they demanded Rs.14,00,000/-. They also stated that the money shall be paid to the Minister and he must also join as a Member of the political party. In 2018, in the presence of one Senthil and his wife, a sum of Rs.14,00,000/- was paid. All the three persons promised that he will be receiving the appointment order. On 31.11.2018, they handed over the appointment order and asked him to join the duty. When he was about to join the duty, he was told that the appointment order is fake in nature. On the basis of the complaint, the case was registered.



3. Heard both sides and perused the materials available on record.

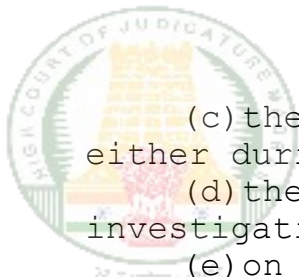
4. It is seen that there are totally five accused, in which, the petitioners are arrayed as A2 and A3. According to the prosecution, all the accused persons have received a sum of Rs.96,50,000/- from twelve victims to get Government Job. But they have not get the Government Job and refused to return the amount. Initially, the petitioners were granted interim anticipatory bail, dated 18.08.2022 on condition that they should appear before the respondent police once in a week i.e., on every Sunday at 10.00 a.m. and co-operate with the process of investigation until further orders. Due to so many reasons, the petitioners could not comply with the conditions imposed by this Court. A1 already arrested and released on bail before the lower Court. The learned counsel for the petitioners would submit that the first petitioner is working as Deputy Block Development Officer, Rural Development, Mohanur, Namakkal District and the second petitioner is working as Tamil Teacher in Government Higher Secondary School, Vangapalayam, Karur District. Both are wife of A1. Now they are ready and willing to deposit a reasonable amount as ordered by this Court.

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

6. Accordingly, the petitioners shall deposit a sum of Rs.3,00,000/- each (Rupees Three lakhs only) to the credit of Crime No.14 of 2021 on the file of the learned Judicial Magistrate No.II, Karur, within a period of two weeks from the date of receipt of copy of this order and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 daily at 6.30 p.m. without fail, for a period of three weeks and thereafter as and when required for interrogation;



(c) the petitioners shall not tamper with evidence or 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/03/2023

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

VSD

TO

1 THE JUDICIAL MAGISTRATE NO.II, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

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

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

ORDER

IN

CRL OP(MD) No.14163 of 2022
Date :16/03/2023

SA/MMS/SAR.1/28.03.2023/3P/5C