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CRL OP(MD). N



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

Date : 31/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21236 of 2022

A.Natchimuthu

... Petitioner/Accused No.1

Vs

The State rep.by,  
The Inspector of Police,  
City Crime Branch,  
Madurai City.  
(Crime No.42/2022).

... Respondent/Complainant

For Petitioner : M/s.Lawrence J,  
Advocate.

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

For Intervenor : Mr.A.Sivasubramanian, Advocate

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

PRAYER :-

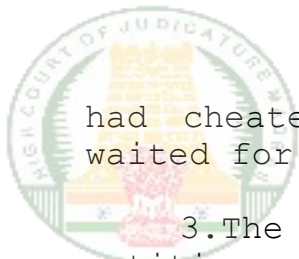
For Anticipatory Bail in Crime No.42/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No.42 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, namely, Jothi Murugan is that the accused had induced the defacto complainant that he would obtain the job in the Transport Corporation and on the inducement made by the accused, the defacto complainant and along with 16 others paid more than Rs.39 lakhs. The allegation is that the accused did not get the job and he

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



had cheated the defacto complainant and other persons, and waited for the job. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that a case of financial dispute has been projected as a case of job racketing. He would further submit that the defacto complainant known to him and he had induced the petitioner saying that A2 is working in the Transport Corporation Department and he would arrange for job, believing the same, the petitioner collected the amount from various persons and handed it over to A2. He would further submit that without prejudice to his defence, the petitioner to show his bonafides is ready and willing to deposit a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) to the credit of Crime No.42 of 2022 on the file of the Judicial Magistrate, Madurai. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner induced the defacto complainant that he would arrange jobs in M.T.C Transport Corporation and based on that several persons have paid more than 40 lakhs through the defacto complainant to the petitioner and later he cheated them. A complaint was given and during the course of enquiry, the petitioner had agreed to repay the amount within a period of three months from the enquiry and thereafter, he has absconded. Hence, he opposed for grant of anticipatory bail.

5. The learned counsel for the intervenor submitted that believing the petitioner, the defacto complainant has collected and handed over the money to the tune of Rs.39,00,000/- and thereafter, the petitioner cheated him.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration the facts and the submissions and that the petitioner is ready and willing to deposit Rs.12,00,000/- (Rupees Twelve Lakhs only) to the credit of Crime No.42 of 2022 before the Judicial Magistrate No.1, Madurai, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Madurai, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



[a] the petitioner 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 petitioner shall deposit a sum of Rs.12,00,000/- (Rupees Twelve lakhs only) to the credit of Crime No.42 of 2022 before the learned Magistrate No.1, Madurai, without prejudice to his rights and defence, at the time of furnishing sureties. The learned Magistrate within two weeks of such deposit shall redeposit the amount in a interest bearing Fixed Deposit scheme in nationalized bank and the decision regarding return of the amount shall be decided at the disposal of the case.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter, every Saturday at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

31/01/2023

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/02/2023

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

TTA

TO

1 THE JUDICIAL MAGISTRATE NO.1  
MADURAI.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
CITY CRIME BRANCH,  
MADURAI CITY.

<https://www.mhjudiciary.org>



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

+1. CC to M/S.LAWRENCE J Advocate SR.No.1577(I)

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ORDER

IN

CRL OP(MD) No.21236 of 2022

Date :31/01/2023

VA/SBN/SAE-4/15.02.2023/2P/6C