



CRL OP(MD). No.18465 of 2023

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

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Hansa,
2. Dhanashri

... Petitioners/ Accused Nos.3 & 4

Vs

The State represented by
The Sub Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No. 12 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Jothi Basu M,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 12 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 120(B),406,420,465,468 of IPC in Crime No.12 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 demanded a sum of Rs.10,00,000/- to arrange job to the defacto complainant and on various dates he received the said amount and A1 and A2 directly, hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that these petitioners have not received any amount from the defacto complainant and only A1 and A2 have received the amount from the defacto complainant,hence he seeks anticipatory to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case of job racketing and the the accused persons demanded a sum of Rs.10,00,000/- to arrange job to the defacto complainant, hence he objected to grant anticipatory bail to the petitioners.



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5. On perusal of the FIR, it is noticed that the accused persons demanded money from the defacto complainant for arranging job, however these petitioners have not received any amount from the defacto complainant and only A1 and A2 said to have received money from the defacto complainant.

6. Taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and *Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others* reported in (2009)4 SCC 437 and *Joginder Kumar vs. State of U.P. and others* reported in (1994)4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Virudhunagar District. Hence the principles stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar* reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.



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7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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, Virudhunagar on condition that the petitioners shall execute **own** bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall report before the trial Court as and when required for the purpose of interrogation.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].



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[e] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
13/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE SUB 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.G.M.LAW OFFICE, Advocate (SR-15238[I] dated 16/10/2023)

ORDER
IN
CRL OP(MD) No.18465 of 2023
Date :13/10/2023

SS/VRS/17/10/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023