



CRL OP(MD). No.18967 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2023

PRESENT

The Honourable Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18967 of 2023

Venkatachalam

... Petitioner/ Accused No.7

Vs

The State rep.by,
The Inspector of Police,
District Crime Police Station, Karur,
Karur District.
(Crime No. 25 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.S.Gokulraj
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 25 of 2023 on the file of the respondent Police.



CRL OP(MD). No.18967 of 2023

ORDER : The Court made the following order :-

WEB COPY

The petitioner/ A7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 294(b), 406, 420, 506(i) IPC in Crime No.25 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Accused Nos.1 to 6 were received a sum of Rs.90,00,000/- for arranging driver and conductor jobs in the Tamil Nadu State Corporation and thereafter, the accused Nos.1 to 6 have issued fake appointment orders. The petitioner is the 7th accused. It is alleged that the petitioner/ A7 has insisted the defacto complainant not to ask the money. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner himself has also paid money to the accused Nos.1 to 6 for the job and the petitioner has also given a complaint against the other accused and the same was registered in Crime No.23 of 2023. Hence, he prays for anticipatory bail to the petitioner.



CRL OP(MD). No.18967 of 2023

WEB COPY

4.The learned Government Advocate (criminal side) appearing for the respondent police would submit that the accused Nos.1 to 6 have received money for arranging job and the petitioner has told the defacto complaint that if he asked refund of money from the accused Nos.1 to 6, the appointment orders put to cancel by the concerned authority. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

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

6. Perusal of the First Information Report, it is noticed that the petitioner has also given a complaint against the accused Nos.1 to 6. Based on the said complaint, FIR has been registered in Crime No.23 of 2023 by the respondent police. Further, a perusal of the FIR in Crime No.25 of 2023, it is noticed that the petitioner himself has also paid money to the other accused for getting job, hence, he has insisted not to ask money on the fear of cancellation of the appointment.

7.Considering the facts and circumstances of the case and taking into consideration the principle stated by the Honourable Supreme Court in Gurubaksh



CRL OP(MD). No.18967 of 2023

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 origin of crime, it is seen that the alleged offence against the petitioners is not a case of heinous crime. Further, the petitioners are having permanent resident at Trichy. 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 to 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.

8. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Kulithalai on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police



CRL OP(MD). No.18967 of 2023

WEB COPY
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 affix his 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 report before the trial Court on summons.

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

[d] the petitioner 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 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].



CRL OP(MD). No.18967 of 2023

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/10/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME POLICE STATION,
KARUR,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD). No.18967 of 2023

WEB COPY +1 CC to M/s.S.GOKULRAJ, Advocate (SR-15720[I] dated 31/10/2023)

ORDER
IN
CRL OP(MD) No.18967 of 2023
Date :30/10/2023

RK/DD (02/11/2023) 7P /6C

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