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

Date : 05/01/2023

PRESENT

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

**CRL OP(MD) . No.21707 of 2022**

Annasamy

... Petitioner/Accused No.2

Vs

The state rep.by  
The Inspector of Police,  
Paramakudi Town Police Station,  
Ramanathapuram District  
(Crime No.329 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Naveen Raja S P, Advocate.

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

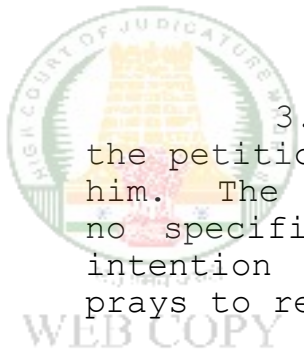
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.329 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 I.P.C, in Crime No.329 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the defacto complainant is working as Watchman in Muthoot Finance, Paramakudi. The defacto complainant approached the accused persons for his son's employment. They promised to secure a job in Hongkong, for which, they sought a sum of Rs.6,30,000/- and the defacto complainant also paid the same on 22.03.2019. Thereafter, the defacto complainant's son also went to Hongkong, unfortunately, he returned to India without employment for want of proper Visa. Thereafter, the petitioner's son settled a sum of Rs.3,04,000/- on 23.09.2020 and assured to pay the remaining amount, but failed to do so. Hence, the complaint.



3. The learned counsel for the petitioner submit at the petitioner is innocent and a false case has been foisted against him. The petitioner is the father of the first accused. There is no specific overt act against the petitioner and there was no intention for his son to cheat the defacto complainant. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that it is a case of job racketing. The petitioner along with his son had promised to secure a job for defacto complainant's son and received a sum of Rs.6,30,000/-. Later, they cheated the defacto complainant. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, considering the overt act attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Paramakudi**, on condition that the petitioner shall execute a 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 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 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 report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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]**; and;



[f] if the accused/ petitioner thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
05/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
PARAMAKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE  
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE  
PARAMAKUDI TOWN POLICE STATION,  
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.21707 of 2022  
Date :05/01/2023

PNM  
MK/MMS/SAR I(20.01.2023) 3P 5C