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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2023

PRESENT

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

CRL OP(MD). No.22595 of 2022

P.Nagapandi

... Petitioner/sole Accused

Vs

The Inspector of Police,
Valanthur Police Station,
Madurai District. Crime No. 102/2022..

... Respondent/Complainant

For Petitioner : M/s.Ranjith.N,

For Intervener : Mr.S.Selvakumar

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

AB For Anticipatory Bail in Cr No.102/2022 on the file of the respondent police.

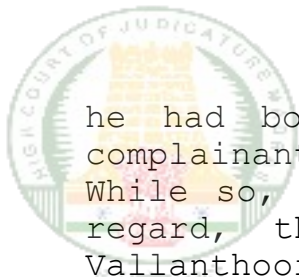
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 506(i) I.P.C, in Crime No.102 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Kodi Veeranan is that the accused along with other persons working in Directorate of Health Services had induced him by representing that they would secure a job for his wife and had received a sum of Rs.5 lakhs and later, without providing a job to her, had cheated him. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted on him. The petitioner is known to the defacto complainant and

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he had borrowed a hand loan of Rs.2,50,000/- from the complainant and they were also having other financial dealings. While so, the petitioner was unable to repay the amount. In this regard, the defacto complainant has filed a complaint before Vallanthoor Police Station, in which, enquiry has been conducted in CSR No.115 of 2022. During enquiry, the petitioner was forced to execute a pro-note for a sum of Rs.5 lakhs and the petitioner has also agreed to repay the said amount. However, the petitioner was unable to repay the amount and a fresh complaint was given to the Superintendent of Police, as if, the petitioner along with other persons involved in job racketing and cheated the defacto complainant, to the tune of Rs.5 lakhs. He would reiterate that a loan transaction has been projected as a case of job racketing and attempt is made to recover money by police action. The petitioner without prejudice to his rights and defence, to show his *bona fides*, is ready to deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) to the credit of Crime Number. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is working as a Nursing Assistant in the Health Department. He has induced the defacto complainant on the assurance of getting a job to his wife in the Health Department and the petitioner along with his friends, cheated the defacto complainant. Hence, prays to dismiss the petition.

5.The learned counsel for the intervener submitted that the defacto complainant and the petitioner were known to each other. The petitioner, who is working in the Health Department induced the defacto complainant to pay Rs.5 lakhs for securing a job in the Health Department. The petitioner failed to do so and also cheated the defacto complainant. Hence, prays to dismiss the petition.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court, including the CD file pertaining to CSR No.115 of 2022.

7.Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties and also considering the readiness and willingness of the petitioner to deposit amount to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

8.Accordingly, the petitioner shall deposit a sum of ***Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) to the credit of Crime Number 102 of 2022***, without prejudice to his rights and contentions before the trial Court. *The learned Magistrate shall redeposit the said amount in any interest bearing Fixed Deposit in anyone of the Nationalised Bank, till the disposal of the case.*



However, it is made clear that in view of the deposit being made by the petitioner, it would not amount to admission of guilt by him.

9. On such deposit being made, 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 No. II, Usilampatti**, 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., 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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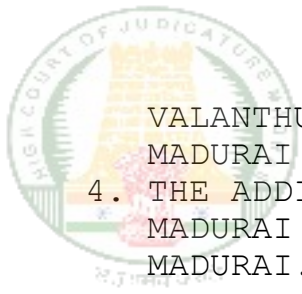
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO. II
USILAMPATTI.
2. THE CHIEF JUDICIAL MAGISTRATE,
USILAMPATTI,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE

<https://www.mhc.tn.gov.in/judis>



VALANTHUR POLICE STATION,
MADURAI DISTRICT.

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

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ORDER

IN

CRL OP(MD) No.22595 of 2022

Date :03/01/2023

VA/MMS/SAR- IV/19.01.202/5P-C