



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

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.22952 of 2022

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Venugopal @ Perumal Venugopal, ... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi District
(Crime No.20 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Mohan Gandhi.S.M,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2022 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 406,420
and 120(b) of IPC in Crime No.20 of 2022 on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto*
complainant is that the accused induced him on the promise of
obtaining a job for his son in ship received a sum of Rs.5,43,500/-
and thereafter cheated the defacto complainant. Hence, the
complaint.

3. The learned counsel for the petitioner would submit that
the petitioner is innocent and a false case has been foisted
against him. He would further submit that the petitioner is only an
agent working under A2 and A3 . The defacto complainant had
approached them for obtaining job for his Son and pursuant to which
the petitioner has moved with A2 and A3 and they have obtained for a
job for the son of the defacto complainant in Ship Vessel by name
MV Rose belonging to Gulf of Aden Shipping LLC Dubai in the Country
of Oman. Later he did not work properly in the ship and he was



smoking excessively and sleeping while on guard and therek as discharged from service. He would further submit that the petitioner only received agent commission as Rs.1,50,000/- for his job rendered. He would further submit that the petitioner without prejudice to show his *bonafides* is ready to deposit a sum of Rs.50,000/- to the credit of crime number before the concerned Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent would submit that the petitioner along with other accused have induced the defacto complainant in the guise of getting job in the ship and cheated him to the tune of Rs.5,43,500/-

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

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner that the petitioner is ready to cooperate with the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 made ready, before the **learned Judicial Magistrate No.IV, Thoothukudi**, 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] At the time of furnishing sureties the petitioner without prejudice to his rights shall deposit a sum of Rs.50,000/- to the credit of Crime number 20 of 2022 before the concerned Court and only thereafter the learned Magistrate shall accept the sureties. However, it is made clear the deposit of amount by the petitioner will not amount to admission of guilt.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.



[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 petitioners 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/-
02/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judicial Magistrate No.IV, Thoothukudi,
2. Do Through The Chief Judicial Magistrate,
Thoothukudi.
3. The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-99[I] dated
04/01/2023)

ORDER
IN
CRL OP(MD) No.22952 of 2022
Date : 02/01/2023

TR/BUC/SAR I/09.01.2023/3P/6C

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