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Crl.O.P.No.11786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11786 of 2024

1.P.Krishnan
S/o.Ponnaiyan

2.R.Parthasarathy
S/o.Raman

... Petitioners/Accused 5 and 8

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Namakkal District.
(Crime No.14 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., 1973 (Act No.2 of 1974), praying to grant an order of pre-arrest bail to the petitioners in Crime No.14 of 2023 on the file of the respondent police.

For Petitioners : Mr.P. Narayana Prasadh

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioners on 13.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to them.

2.The petitioners/Accused 5 & 8, apprehend the arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b) and 506(1) of the Indian Penal Code, 1860 (Act No.45 of 1860) (hereinafter 'IPC') in Crime No.14 of 2023 on the file of the respondent police.

3.The case of the prosecution is that the de-facto complainant and 24 others paid totally a sum of Rs.82,00,000/- to Accused 1 to 3 through bank and in person for securing a Government job. Later, when the de-facto complainant demanded return of the said amount, Accused 1 to 3 informed that the said amount has been given to Accused-4 of Amuthan Agencies. When the de-facto complainant approached Accused-4, he replied that the job appointment was already given to Accused-1. When A1 was approached, she along with other accused verbally abused and physically assaulted the



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defacto complainant. Then, when he approached A4 – Karthick again, he was verbally abused using filthy language by A4 and A5 – Krishnan, father of A4. Hence the case.

4.The learned counsel for the petitioner submitted that the petitioners are innocent and have not committed any offence as alleged by the prosecution. He further submitted that the first petitioner is father of Accused-4. There is only a general allegation that these petitioners intimidated the de-facto complainant with dire consequences. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 25 victims. So far, a portion of amount alone has been collected from the main accused. These petitioners/A5 & A8, received a sum of Rs.1,00,000/- each, from the de-facto complainant. However, considering the nature of the offence, if pre-arrest bail order is granted to the petitioners, he will be emboldened and cause threat to the witnesses. Hence, he prayed to dismiss this Criminal Original Petition.



6. Heard on both sides. This Court has perused the records.

7. Case of the prosecution is that 25 people including the defacto complainant gave around a sum of Rs.85,00,000/- totally, to the accused persons for securing them a Government job. The accused persons cheated them. Further, when questioned they had abused them using filthy language and also assaulted them. Hence the case. Specific allegations against the petitioners is that they received One lac rupees each and that they verbally abused the defacto complainant.

8. Considering the facts and circumstances of the case and also considering the nature of offence as alleged and also with a view to give them an opportunity to reform themselves, this Court grants an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.II, Namakkal, within a period of 30 days from today, on executing a bond for a



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sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Namakkal;

(ii) The petitioners shall appear and sign before the respondent Police, daily at 10.00 a.m., until further orders;

(iii) The petitioners should not enter into the de-facto complainant's residence and his/her work place;

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(v) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each before the Judicial Magistrate No.II, Namakkal to the credit of Crime No.14/2023 of District Crime Branch Namakkal. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized bank initially for a period of one year and renew them periodically until the final order/ judgment. The learned Judicial Magistrate or the Trial Court as the case may be shall pass orders as to the disposition of the fixed deposit in the final order/ judgment.



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(vi) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

16.05.2024

Index : Yes/No
Internet : Yes/No
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Neutral citation : Yes/No
rsi/dna

Note:-

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To

- 1.The Judicial Magistrate No.II,
Namakkal.
- 2.The Inspector of Police,
District Crime Branch,
Namakkal District.
- 3.The Public Prosecutor,
High Court of Madras.



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R. SAKTHIVEL, J.
rsi

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