



CRL OP(MD)No.782 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.782 of 2024

Balakrishnan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.210 of 2023).

... Respondent/Complainant

For Petitioner : Mr.S.Muthumalai Raja, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.210 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 468, 471, 506(i) of IPC in Crime No.210 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner received a sum of Rs.9 lakhs from the defacto complainant by giving a false promise that he will get a job in the



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Railway Department. After receiving the amount, the petitioner neither secured the job nor repaid the amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there is no transaction between the petitioner and the defacto complainant. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.9,00,000/- to the credit of crime number and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant and the other victims, from whom the petitioner herein collected the amount, after obtaining a proper affidavit from them. In the event of petitioner succeeding in the case, the amount will be refunded to him. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that it is a case of job rocketing. The petitioner cheated the amount of Rs.9 lakhs from the defacto complainant by giving a false promise that he will secure a job in the Railway Department to the son of the defacto complainant. However, the petitioner is come forward to pay a sum of Rs.9 lakhs, this Court may consider this petition.

5.Considering the facts and circumstances of the case and also considering the



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fact that the petitioner is ready to deposit a sum of Rs.9,00,000/- to the credit of crime number, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner is directed to deposit a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) to the credit of Crime No.210 of 2023 before the Judicial Magistrate, Theni, and on such deposit, the learned Magistrate after enquiry, shall disburse the respective amount to the defacto complainant and the other victims, from whom the petitioner herein collected the amount, after obtaining a proper affidavit from them.

In the event of petitioner succeeding in the case, the amount will be refunded to him.



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(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as and when required;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To கீழ்க் குறிப்பிட்ட

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1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-941[I] dated 23/01/2024)

ORDER

IN

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Date :22/01/2024

RS/DD/SAR-(24.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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