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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD) Nos .5448 & 5449 of 2024

and

CRL MP(MD) Nos.4832 & 4835 of 2024

R.SABARI GANESAN

... PETITIONER / ACCUSED NO.2
IN CRL OP(MD)No. 5448 OF 2024

SAKILA @ RAHILAPARVEEN

... PETITIONER/ACCUSED NO.3
IN CRL OP(MD)No. 5449 of 2024

Vs

THE INSPECTOR OF POLICE
CCB POLICE STATION, MADURAI CITY,
MADURAI DISTRICT.
(IN CRIME NO.15/2023).

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

J.VASANTHI

... PETITIONER/INTERVENER
IN CRL MP(MD).4832 & 4835/2024
IN CRL OP(MD).5448 & 5449/2024

IN BOTH PETITIONS:

For Petitioners : MR.GOPALA KRISHNA LAKSHMANA RAJA,
Senior Counsel
for MR.S.KARTHIKEYAN, Advocate

For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

For Intervenor : MS.V.JEYARANI, Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.



COMMON PRAYER :-

FOR ANTICIPATORY BAIL IN CRIME NO.15/2023 ON THE FILE OF THE RESPONDENT POLICE

COMMON ORDER : The Court Made the following order :-

The petitioners are accused nos.2 & 3 in the case in Crime No.15 of 2023, which was registered for the offence u/s.120(b), 406, 420 IPC, on the file of the respondent Police. Apprehending arrest at the hands of the respondent Police in connection with this case, the petitioners have filed these applications seeking anticipatory bail.

2.The prosecution case is that the accused persons, on a false promise to secure a Government job in the Judiciary, received amount from the defacto complainant and thereafter, cheated her.

3.Learned Senior Counsel appearing for the petitioners submitted that it is purely a money transaction dispute between the defacto complainant and the accused, for which a criminal color has been given.

4.Learned Additional Public Prosecutor submitted that it is a case of job racketing and that the investigation is in the initial stage.

5.Considering the submissions made by the respective parties, this Court, by earlier order dated 10.04.2024, granted interim anticipatory bail to the petitioners, enabling them to appear before the respondent Police and to co-operate with the investigation. Accordingly, the petitioners have appeared before the respondent



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report.

Police and after investigation, the respondent Police has filed a preliminary enquiry report.

6.This Court considered the rival submissions made on either side and perused the materials placed on record.

7.It appears that the defacto complainant, a practising Advocate, has filed the complaint that the accused persons have received a sum of Rs.48,97,000/- from her, on a false assurance of securing jobs for 16 persons at Courts. From the report filed by the investigation agency, it appears that a sum of Rs.13,40,000/- to A1; Rs.25,000/- to A2; and Rs.8,07,000/- to A7 were transacted through bank accounts and a sum of Rs.12,20,000/- to A1; Rs.15,30,000/- to A4 were transacted through cash.

8.The petitioners before this Court are A2 and A3. They are the son and wife, respectively, of the first accused. The first accused is working as a Driver in the District Court, Madurai and the second accused is working as an Office Assistant in the Judicial Magistrate Court No.VI, Madurai. As per the statement given by the defacto complainant, when she gave a sum of Rs.6,00,000/- to the first accused, the accused nos.2 & 3 were also present there and received the amount. They have also induced her and gave false assurance of arranging jobs in the Judiciary.

9.Considering the nature of offence and the materials placed by the investigation agency, this Court is not inclined to grant anticipatory bail to the



petitioners.

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10. The offence committed in this case is not as against certain individuals, but as against the Society as a whole. In the name of this Institution (Judiciary), the offence is said to have been committed. Therefore, this Court is inclined to monitor the investigation. The respondent Police is directed to submit periodical reports as to the status of the investigation before the Registrar (Judicial), Madurai Bench of Madras High Court, once in three weeks.

Accordingly, these criminal original petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

sd/-

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/05/2024

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

gk

TO

1 THE INSPECTOR OF POLICE, CCB POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.

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



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THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) Nos .5448 & 5449 of 2024
and
CRL MP(MD) Nos.4832 & 4835 of 2024
Date :30/04/2024

RS/JGB/SAR-(07.05.2024) 5P 4C
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