



CRL OP(MD) No.17361 of 2023

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17361 of 2023

1 MALA

2 VISHNU

... Petitioners / Accused No.3 & 4

Vs

THE INSPECTOR OF POLICE
DCB POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.6/2023)

... Respondent / Complainant

For Petitioners : M/s..Karunanithi, Advocate

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

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.6/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the
respondent police for the alleged offence under Sections 120(b), 406, 420, 465 and



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468 of IPC in Crime No.6 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that the petitioners along with other accused received a sum of Rs.14 lakhs from the defacto complainant by giving a false promise that they will get a job in the Government Department. After receiving the amount, the accused persons neither secured the job nor repaid the amount. Thereafter, the defacto complainant came to know that they cheated many persons by creating fake appointment orders. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency against the accused persons.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the petitioners herein are being wife and son of A2, they have been falsely implicated in this case. However, the petitioners are ready and willing to pay a sum of Rs.12,00,000/- by way of Demand Draft to the defacto complainant without prejudice to their rights and prayed for granting anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused persons received a sum of Rs.14 lakhs from the defacto complainant by giving a false promise that they will get a job in the Government Department and they also cheated many persons by creating fake appointment orders. However, the petitioners are come forward to deposit a sum of



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Rs.12,00,000/-, this Court may consider the anticipatory bail application of the petitioners.

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6.Considering the facts and circumstances of the case and also considering the facts that the petitioners have come forward to deposit a sum of Rs.12,00,000/- (Rupees Twelve lakhs Only) without prejudice to their rights and contentions to show their bona fides, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioners 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) (i) the petitioners shall take a Demand Draft in favour of the defacto complainant for a sum of Rs.12,00,000/- (Rupees Twelve lakhs Only) and produce the same before the learned Judicial Magistrate No.II, Virudhunagar. On production of such Demand Draft, the learned Judicial Magistrate No.II, Virudhunagar, shall accept the sureties furnished by the petitioners and entrust the



same directly to the defacto complainant.

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(iii) the petitioners shall produce the Demand Draft before the execution of the sureties, failing which this order shall stand automatically cancelled.

(b)if the petitioners failed to surrender before the concerned Magistrate within a period of six weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 petitioners shall report before the respondent police daily at 1030 p.m until further orders;

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

(f)the petitioners 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 petitioners 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]; and;



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

sd/-
09/01/2024

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

DSS

To

- 1.The Judicial Magistrate No.II,
Virudhunagar.
- 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 3.The Inspector of Police,
DCB Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.17361 of 2023
Date :09/01/2024

ED/ JGB /SAR- (18/01/2024) 5P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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