



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

Thursday, the Nineteenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) Nos.13964 & 14756 of 2015

AYISHA KANI ALIAS AYISHA BEEVI ... PETITIONER/ACCUSED NO.1
IN CRL.OP(MD).NO.13964/15

S.BALAMURUGAN ... PETITIONER/ACCUSED NO.1
IN CRL.OP(MD).NO.14756/15

Vs

STATE REP BY THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
CRIME NO.35 OF 2015 ... RESPONDENT/COMPLAINANT

For Petitioner:M/S.K.MAHENDRAN Advocate (IN CRL.OP(MD).NO.13964/15)
MR.M.JEGADEESH PANDIAN (IN CRL.OP(MD).NO.14756/15)
For Respondent:MR.K.ANBARASAN Govt. Advocate (Crl. Side)
(IN BOTH PETITIONS)

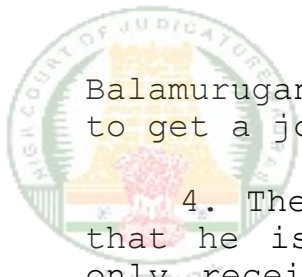
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 406 and 420 I.P.C., in Crime No.35 of 2015, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners received a sum of Rs.3,00,000/- from the de-facto complainant promising to get a job in abroad. They did not get the job for the de-facto complainant. On the other hand, the de-facto complainant was sent to Thailand on bogus Visa, where the petitioners did not arrange any job for the de-facto complainant and he returned to India with the help of his friends and relatives. The de-facto complainant demanded the amount and the petitioners did not repay the amount.

3. The case of the petitioner in Crl.O.P.(MD) No.13964 of 2015 is that she received Rs.3,00,000/- from the de-facto complainant and in his presence, she handed over the amount to the petitioner in Crl.O.P.(MD) No.14756 of 2015. She is only an agent and A1- Bala @



Balamurugan, who is running a Travel Agency, is the person who fails to get a job for the de-facto complainant, after receiving money.

4. The case of the petitioner in Crl.O.P.(MD) No.14756/2015 is that he is A1. A2, the petitioner in Crl.O.P.(MD) No.13964/2015 only received money and she failed to get a job and return the money.

5. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

6. Mr.K.Mahendran, learned counsel for the petitioner in Crl.O.P.(MD) No.13964 of 2015 submitted that already the de-facto complainant has given a complaint, at that time, the petitioner has paid Rs.75,000/- to the de-facto complainant and for the very same offence, he has given another complaint.

7. The learned Government Advocate (Crl. Side) submitted that the petitioners received money on the promise of getting job to the de-facto complainant in abroad, but they failed to do so and they did not return the money and thereby, cheated the de-facto complainant and many other persons in similar fashion.

8. The learned Government Advocate (Crl. side) also submitted that at the time of first complaint, both the petitioners have agreed to repay the amount and on their undertaking, the petition enquiry was conducted and closed.

9. Considering the facts and circumstances of the case and also considering fact that the petitioners are promising to get a job for the de-facto complainant and they did not get the job and repay the amount, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, both the anticipatory bail petitions are dismissed.

sd/-
19/11/2015

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

TO

- 1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, RAMANATHAPURAM
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER IN

CRL OP(MD) No.13964 & 14756 of 2015
Date :19/11/2015