

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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.1545 of 2015

WEB COPY

M.JAYA KUMAR ... PETITIONER/SOLE ACCUSED

DOMIO CHARLIN ... INTERVENER

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.20/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

For Intervener : MR.M.S.JEYAKARTHIK, Advocate

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

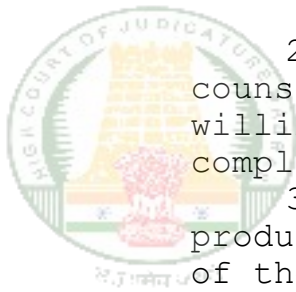
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417 and 409 of Indian Penal Code in Crime No.20 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. On 03.02.2015, this Court passed the following order:

"The case of the prosecution is that these petitioners had promised the de-facto complainant that he will get a job in Singapore and obtained Rs.1,54,000/-. Thereafter, the de-facto complainant attempted to go to Singapore thrice with the documents provided by the petitioner and he turned down because the documents were not genuine.

The learned counsel for the petitioner submitted that the de-facto complainant is not willing to go to abroad. Be that as it may, the petitioner is not a registered manpower recruitment agent for indulging in this business. At this juncture, the learned counsel seeks time for getting instructions as to whether the petitioner would refund considerable amount to the de-facto complainant.



2. Today when the matter is taken up, the learned counsel for the petitioner submits that the petitioner is willing to pay a sum of Rs.50,000/- to the defacto complainant.

3. If that is so, the petitioner is directed to produce a Demand Draft for a sum of Rs.50,000/- in favour of the defacto complainant."

3. Today, the petitioner has filed an affidavit, in which, in paragraph Nos.5 and 6, he had stated as follows:

"5. I state that it is purely a contract between the defacto complainant and the Agent. I am no way connected to the same perhaps. I am made the scapegoat. I am willing to prove my innocence before the Trial Court. The complaint itself is in preliminary stage. I am ready to co-operate with investigation. However, as directed by this Hon'ble Court, I have drawn a demand draft in favour of the defacto complainant on 24.02.2015, for a sum of Rs.50,000/- bearing demand draft Nos.417144, 417145 (Indian Bank).

6. I state that without prejudice my right to claim the amount from the defacto complainant if the case ended in acquittal, I am tendering the amount to the defacto complainant with the condition that the defacto complainant should refund the amount if the case end in acquittal."

4. The demand drafts have been handed over today in the open Court to Mr.A.Ajith Geethan, learned counsel appearing for the intervenor and the demand drafts have been drawn in the name of the defacto complainant. A photocopy of the demand drafts has also been filed.

5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, 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] the petitioner shall report before the respondent police twice a day daily at 10:30 a.m., in the morning and 06:30 p.m., in the evening for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-
24/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.8528

+1 CC TO M/S. M.S.JEYAKARTHIK, ADVOCATE SR.NO.8685

ORDER

IN

CRL OP(MD) No.1545 of 2015

Date :24/02/2015

NA/25/02/2015/P3/7C