



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

Tuesday, the First day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15575 of 2015

P. PRABAHAR

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT, KARUR
(CRIME NO. 10 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.ANTONY ARUL RAJ Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

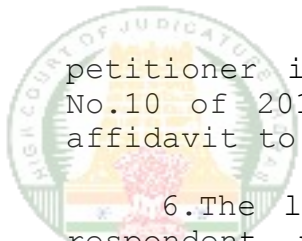
The petitioner, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 406 and 420 of IPC, in Crime No.10 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused running a firm in the name of Prima Enterprises and giving assurance of job employment in Canada, they received amount from the de-facto complainant and others, but they failed to fulfil their obligation.

3.The learned counsel for the petitioner submitted that the petitioner is running a Manpower Agency with A1 and they are sending persons to abroad after giving appropriate training to them. It is further submitted that the company has collected amount only for verification of medical certificate to give training to the applicants and to obtain visa from the foreign countries. It is further submitted that the company has already sent 300 persons to Canada and when 150 applications were sent for Visa, the Canadian Government had rejected 135 applications and selected only 15 eligible candidates.

4.The learned counsel for the petitioner further submitted that the company has given assurance to the de-facto complainant to apply visa again with the Canadian Government and if the applications are rejected, they are ready to refund Rs.10,000/- to the de-facto complainant and other applicants.

5.The learned counsel further submitted that A1 was already enlarged on anticipatory bail by this court in Crl.O.P(MD)No.7327 of 2015, dated 04.06.2015. It is further submitted that to prove the *bona fide*, the



petitioner is ready to deposit Rs.10 Lakhs to the credit of the Crime No.10 of 2015 without prejudice to his right and he has also filed an affidavit to that effect.

6.The learned Government Advocate (Criminal side) appearing for the respondent vehemently opposed granting of anticipatory bail to the petitioner stating that the accused had collected Rs.2 Crores from 154 persons assuring to secure employment in abroad and therefore, the petitioner is not entitled for anticipatory bail.

7.I have perused the records.

8.Even as per the compliant, the de-facto complainant namely Dominic had given Rs.28,500/-. Hence, this court is of the opinion that the accused company could not have collected the amount assuring job employment in Canada, when they were running a Manpower Agency. However, it has to be decided only after full fledged trial.

9.In view of the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Karur and on his executing 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 learned Magistrate concerned and on further condition that **the petitioner shall deposit Rs.10 lakhs [Rupees Ten lakhs only] to the credit of the Crime No.10 of 2015 as per the undertaking within a period of four weeks from today** and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

11.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

12.Post this matter on 05.10.2015 for reporting compliance.

sd/-
01/09/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.I, KARUR.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
KARUR DISTRICT, KARUR.

+1. CC to M/S T.ANTONY ARUL RAJ Advocate SR.No. 50758.
TS/04.09.2015/2P - 6C AAL-MPA/SAR - II

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER
IN
CRL OP(MD) No.15575 of 2015
Date :01/09/2015