



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

Tuesday, the Seventeenth day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4286 of 2015

KATHIR @ KATHIRESAN

... PETITIONER/ACCUSED No.5

Vs

STATE REP BY THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate
For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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 406, 420 and 120(b) IPC in Crime No.20 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. This is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.17188 of 2014 was dismissed by this Court on 27.01.2015.

4. The case of the prosecution is that this petitioner along with one Chandrasekaran (A1) had taken huge sums of money from the defacto complainant and others on the promise of getting them jobs abroad. It is seen that they have totally receive Rs.43,00,000/-. Chandrasekaran (A1) was arrested by Police and subsequently released on bail by the Court below on 22.09.2014.

5. The respondent police have filed a status report, wherein it is stated as follows:

"It is submitted that on 17.08.2014, when I was at my unit one Prabhu, son of Sivasubramanian, a resident of Dindigul main road, opposite to Ganapathi Nagar, Tiruchirappalli appeared before and preferred a written complaint. In his complaint he has stated that he is residing at the above said place and studied upto B.E.



(Mechanical) and was searching for construction designing job. At this juncture, one Chandrasekaran was introduced to him by one Selvaraj, at the time Selvaraj told that he gave money to Chandrasekaran to obtain foreign Sponsoring visa. Believing this, Prabhu and his friends, Avinasilingam, Sasitharan, Saravanan and Rathish approached Chandrasekaran and gave their Bio data, Certificates and paid money to the tune of Rs.43,00,000/- on various occasions to Chandrasekaran, Selvaraj (Manager), Amarnath (Brother in Law), Sangeetha Amarnath (W/o Amarnath) and Kadhira (Brother of Chandrasekaran). While receiving money Chandrasekaran assured Italy Sponsorship visa and job for them. After receiving the money Chandrasekaran did not arrange for the job to the complainant and his friends. When the complainant Prabhu, and his friends approached Chandrasekaran and his associates several times and requested either to arrange for the job or to return the money back. But ended in vain. Chandrasekaran with his associates Selvaraj, Amarnath, Sangeetha Amarnath and Kadhira criminally conspired together and cheated the complainant. Based on the complaint of Prabhu, a case was registered in Tiruchirappalli City, City Crime Branch Cr.No.20/2014 U/s.406, 420, 120(b) IPC.

It is submitted that during the preliminary investigation, witnesses were examined, documents were collected and found that all the 5 accused criminally conspired together and cheated the complainant and his friends in the contest of arranging Italian Sponsorship visa and job abroad."

6. Learned counsel for the petitioner read through the FIR and submitted that there are no serious allegations against this petitioner. He also submitted that the FIR merely states that the petitioner was in the office of Chandrasekaran and received the money on behalf of Chandrasekaran. It was his further plea that the petitioner was only an employee under Chandrasekaran and amounts were paid by the victims directly to Chandrasekaran.

7. I am unable to persuade myself to agree with the aforesaid submission of the learned counsel for the petitioner inasmuch as it is seen in the FIR that the defacto complainant has stated that this petitioner was actively involved in receiving money from the victims. In the confession of Chandrasekaran, he has stated that this petitioner was also a part of conspiracy to cheat the victims on the promise of getting them jobs abroad. Further, Chandrasekaran has also stated that the spoils of the crime were shared by all including this petitioner herein and they were all living luxuriously.

8. Taking into consideration the serious nature of allegations against this petitioner, this Court is not inclined to grant



anticipatory bail to him. Hence, the Criminal Original Petition is dismissed.

sd/-
17/03/2015

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

TO

- 1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY.
- 2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.4286 of 2015
Date :17/03/2015

AA/20.03.2015/3p- 3c/