



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

Monday, the Fourth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10919 of 2016

1 KRISTY

2 BENNY

... PETITIONERS/ACCUSED 1&2

Vs

THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
MUSIRI, TRICHY DISTRICT.
(CRIME NO.199/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.MAHESWARAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.199 of 2016, on the file of the respondent police and hence seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with the other accused persons, on the promise of sending the *de-facto* complainant to Singapore for job with a monthly salary of Rs.30,000/-, received a sum of Rs.4,00,000/- and instead of sending him to Singapore for a job, sent him to Maldives for a salary of Rs.18,000/-. When the *de-facto* complainant, asked for return of money after coming back to India, they did not return the money. On complaint, case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. They are running a travel agency. The *de-facto* complainant approached the petitioners for a foreign job and the petitioners sent the *de-facto* complainant to Maldives on receiving a sum of Rs.1,10,000/- and within 20 days, he came back to India and demanded repayment of the amount. The petitioners received only a sum of Rs.1,10,000/- from the *de-facto* complainant and they did not



receive Rs.4,00,000/-.

4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that this is a case of job-racketing and investigation is pending.

5. The main allegation levelled against the petitioners is that they promised to arrange a job at Singapore and instead of sending the *de-facto* complainant to Singapore, they sent him to Maldives for a job as Cook. The *de-facto* complainant also agreed and went to Maldives.

6. Considering the fact that the *de-facto* complainant went to Maldives for job as arranged by the petitioners and returned to India within 20 days, custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that each of them 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
04/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
MUSIRI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
MUSIRI, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.MAHESWARAN Advocate SR.No.34939

ORDER

IN

CRL OP(MD) No.10919 of 2016

Date :04/07/2016

smn2

SH/SKS-RR/SAR-III:06.07.2016:3P/6C