



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

Wednesday, the Sixteenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) Nos.17317 and 17964 of 2016

1 SENGUTTUVAN

2 MARTIN

... PETITIONERS / ACCUSED Nos.A2&A4
IN CRL OP(MD) Nos.17317/2016

V.KARUPPIAH

... INTERVENER / DE-FACTO COMPLAINANT
IN CRL.O.P(MD)NO.17317/2016

K.JEYARAMAN

... PETITIONER/ACCUSED NO.1
IN CRL OP(MD) Nos.17964/2016

Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT
IN CRIME NO.675/2016

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.M.SENTHIL AYYANAR Advocate
IN CRL OP(MD) Nos.17317/2016
: M/S M.PALANI RAJA, Advocate
IN CRL OP(MD) Nos.17964/2016

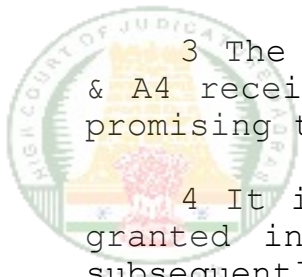
For Respondent : Mrs.S.PRABHA Govt. Advocate (Crl. Side)
in both the petitions

For Intervenor : Mr.S.MAHALINGAM, Advocate
IN CRL.O.P(MD)NO.17317/2016
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 420 in Crime No.675 of 2016 on the file of the respondent police, the petitioners have come forward with these petitions, seeking anticipatory bail.

2 Heard the learned counsel for the petitioners and the learned Government Advocate(Crl.Side) appearing for the respondent police.



3 The case of the prosecution is that the petitioners / A1, A2 & A4 received a sum of Rs.2,80,000/- from the defacto complainants promising to arrange a job abroad and cheated them.

4 It is seen that on 15.09.2016 and 21.09.2016, this Court had granted interim anticipatory bail to the petitioners, which were subsequently extended.

5 Learned Government Advocate(Crl.Side) submitted that the investigation of the case is pending and the petitioners have complied with the conditions.

6 Learned counsel for the petitioners has submitted that as promised, the petitioners have arranged jobs in Malaysia and the sons of the defacto complainants returned to India without taking up jobs at Malaysia.

7 Learned counsel for the Intervenor would submit that under the guise of providing job abroad, the petitioners have sold the defacto complainants for 3000 Malaysian Ringgit (MYR).

8 Taking note of the fact that serious offence is said to have been committed by the petitioners, this Court is not inclined to grant anticipatory bail to A1 & A2 / the petitioner in Crl.O.P(MD) No.17964 of 2016 and the 1st petitioner in Crl.o.P(MD)No.17317 of 2016.

9 **Hence, Crl.O.P(MD)17964 of 2016 is dismissed and Crl.O.P(MD) No.17317 of 2016 is dismissed as against the 1st petitioner** and the interim orders already granted to them are vacated and the bail bonds executed by these petitioners shall stand cancelled.

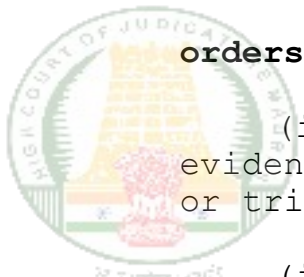
10 So far as the 2nd petitioner in Crl.O.P(MD)No.17317 of 2016 is concerned, there is no specific overact alleged against him and therefore, this Court is of the view that custodial interrogation of the petitioner is not necessary at this stage. **Therefore, this court is inclined to grant anticipatory bail to the 2nd petitioner in Crl.O.P(MD)No.17317 of 2016 alone.**

11 Accordingly, the 2nd petitioner in Crl.O.P(MD)No.17317 of 2016 alone is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date or receipt of a copy of this order, before the **Judicial Magistrate, Melur, subject to the following conditions:**

(i) **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 Magistrate concerned;

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

(ii) **the petitioner shall report before the respondent police daily at 10.30 a.m. until further**



orders for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
16/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT

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

JAM/29.11.16/GSV-PM/AR 2/3P-5C

ORDER
IN
CRL OP (MD) Nos.17317&17964 of 2016
Date :16/11/2016