



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

Thursday, the Seventh day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9705 of 2017

MOHAMED HAFEEZ

... PETITIONER / ACCUSED NO.6

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, TRICHY CITY,
CR NO. 30/2017.

... 1st RESPONDENT/COMPLAINANT

2 ELAMPARITHI, S/O.LOGANATHAN,
D.NO.49-D/1, KAMARAJAR NAGAR,
PULLAMPADI POST, LALKUDI TALUK,
TRICHY.

... 2nd RESPONDENT/DEFACTO COMPLAINANT

(R2 IMPEADED AS PER ORDER OF THIS HON'BLE COURT
MADE IN CRL MP(MD).7067/17 IN CRL OP(MD).9705/17
DATED.29.08.2017 BY AMBAJ)

For Petitioner : M/S.N.MADHAVA GOVINDAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

For Intervener : MR.GANESH PRABHU Advocate

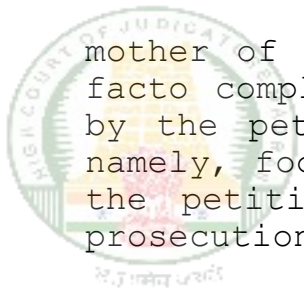
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 120(b), 465, 467, 468, 406, 420, 294(b) and 506(ii) IPC in Crime No.30 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused by giving false promise to get job in abroad, have received a sum of Rs.4,86,149/- from the de facto complainant, however, they failed to do so and thereby cheated the amount of the de facto complainant.

<https://hcservices.equity.in/hcservices/> The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the amount received by the



mother of the petitioner was repaid in the bank account of the de facto complainant and the amount for a sum of Rs.70,000/- received by the petitioner's father has been spent for day today expenses namely, food and accommodation at Cambodia. He also submitted that the petitioner has not committed any offence as alleged by the prosecution.

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4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 6 named accused and the petitioner is arrayed as A6 in this case. He also submitted that A1 & A2 are husband and wife, A6 is son of A1 & A2. He submitted that A1, who is running a Tour Travel Agency, was introduced by A3 to the de facto complainant and the de facto complainant paid a sum of Rs.4,86,149/- by cash in hand as well as through bank account of the petitioner's father and mother for getting job in abroad. He also submitted that the de facto complainant was accompanied by the petitioner's father to Cambodia and thereafter, to Canada under tourist visa, however, he failed to make arrangement any job to the de facto complainant and also failed to repay the amount. He further submitted that the de facto complainant paid Rs.2000/- to the petitioner herein. He also submitted that the de facto complainant get back a sum of Rs.1.5 lakh by way of bank account of A2. He submitted that A5 & A6 are still absconding and A1 was enlarged on bail by the concerned sessions Court, A2 & A3 were enlarged on bail by this Court in Crl.O.P.(MD)Nos.9542 and 10746 of 2017 on 01.08.2017 and 14.06.2017 respectively and investigation is still pending in this case.

5.Considering the facts and circumstances of the case and also taking note of the fact that A1 was already enlarged on bail by the Sessions Court and A2 & A3 were enlarged on anticipatory bail by this Court, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Trichy, 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 weekly once ie., on every Sunday at 10.30 a.m. until further orders.

[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).

sd/-
07/09/2017

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

TO

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

+1. CC to M/S.N.MADHAVA GOVINDAN Advocate SR.No.77398

ORDER
IN
CRL OP(MD) No.9705 of 2017
Date :07/09/2017

MKV-PM-PN-SAR 3/13.09.2017/3P-6C