



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18024 of 2017

1 SELVAM @ KESAVA

2 GANESH

... PETITIONERS/RANK NOT KNOWN

Vs

1 STATE REP.BY,
THE INSPECTOR OF POLICE,
CBCID-OCU WING,
MADURAI DISTRICT,
IN CRIME NO. 5 OF 2017

... 1st RESPONDENT/COMPLAINANT

2 MUTHUKUMAR

...2nd RESPONDENT/DEFACTO
COMPLAINANT

For Petitioner : M/S.P.THARMARAJ SANTHOSAM Advocate

For Respondents : MR.K.ANBARASAN, Government Advocate(Crl.Side)

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 offences punishable under Sections 10 and 24 of Emigration Act, 1983 and Sections 406 and 420 of IPC in Crime No.5 of 2017 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel on either side.

3.The case of the prosecution is that the petitioners are running a business of Testing Trade Centres and got proper approval from the Government of India, Ministry of Overseas Indian Affairs and also got a valid license to run the business and the petitioners have selected eligible skilled workers and sent to abroad. But, unfortunately, they have not been given salary and after that they have got salary for two months.

4.It is submitted by the learned counsel for the petitioner that the petitioners cannot be held responsible and that they have not accepted the recruitment and deputing the persons, as they have no role to play with regard to the Government in which the persons



have been deputed. It is further submitted that the petitioners are innocent persons and they have not committed any offence and pray for anticipatory bail in favour of the petitioners.

5.The learned Government Advocate (Crl.side) submitted that the investigation is pending and the charge sheet has not been filed.

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6.Considering the facts and circumstances of the case and taking note of the fact that the matter is for investigation and therefore, the custodial interrogation of the petitioners is not required. Hence, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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 No.IV, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners shall report before the respondent Police daily at 10:30 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not leave Tamil Nadu, if they want to leave Tamil Nadu, they shall get prior permission from the concerned Jurisdictional Magistrate.

[e] 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]**.

sd/-
28/12/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE INSPECTOR OF POLICE,
CBCID-OCU WING, MADURAI DISTRICT.

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

+1. CC to M/S.P.THARMARAJ SANTHOSAM Advocate SR.No.37121

ORDER

IN

CRL OP(MD) No.18024 of 2017

Date :28/12/2017

PK/CM/SAR-2/02.01.2017 : 3P/6C