



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.564 of 2018

K.HEMALATHA

... PETITIONER / ACCUSED NO.12

Vs

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

...RESPONDENT/COMPLAINANT

2 MUTHU KUMAR

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S.A.RAMESH Advocate

For Respondent :M/S.S.BHARATHI Government Advocate (Crl. Side)

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

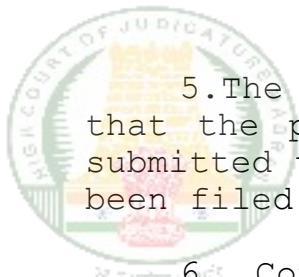
ORDER : The Court Made the following order :-

Heard both sides.

2.The petitioner is arrayed as accused no.12, in Crime No.5 of 2017 on the file of the respondent police. He apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 I.P.C., and 10, 564 of Emigration Act, he has filed this petition, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that the petitioner and other accused persons in this case 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 petitioner and others have selected the eligible skilled workers for sending to abroad. But unfortunately, they have not been given salary and after that they have got salary for two months.

4.The learned counsel appearing for the petitioner submitted that the petitioner and other accused persons cannot be held responsible and they had not recruited any person for deputing to abroad, 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 petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.



5. The learned Government Advocate (Criminal Side) submitted that the petitioner is a labour of the said company. She further submitted that investigation is pending and the charge sheet has not been filed.

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 petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

(i) the petitioner is granted anticipatory bail in the event of his arrest or on his surrender before Judicial Magistrate No.IV, Madurai on or before 24.01.2018, failing which, the petition shall stand dismissed automatically.

(ii) on such arrest or surrender, the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.IV, Madurai.

(iii) the petitioner is directed to produce his passport before the learned Judicial Magistrate No.IV, Madurai.

(iv) **the petitioner is directed to appear before the respondent / police daily at 10.30 a.m. until further orders.**

(v) the petitioner shall make himself available for interrogation as and when required by the investigation officer.

(vi) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(vii) the petitioner shall not abscond either during investigation or trial.

(viii) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled, and 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/-
11/01/2018

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



ls/cp
TO

1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI

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

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

+1. CC to M/S.A.RAMESH Advocate SR.No.744

GJM/CM/VR/SAR-I-18.1.18-3P-6C

ORDER

IN

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Date :11/01/2018