



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.773 of 2018

M.SHAJAHAN MOHAIDEEN ALI, ... PETITIONER/ ACCUSED NO.3

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
MADURAI.

(*) IN CRIME NO.8/2018 ... RESPONDENT / COMPLAINANT
(*) (AMENDED AS PER ORDER OF THIS HON'BLE COURT MADE IN
CRL MP(MD)NO.889/2018 IN CRL OP(MD)NO.773/2018
DATED 15.02.2018)

For Petitioner : M/S.G.THIAGARAJAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

For Intervener : MR.M.SUBASHBABU, Advocate

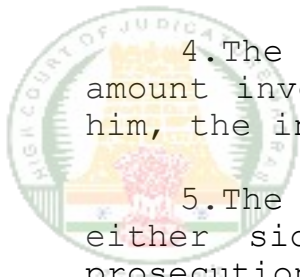
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 420, (*) **406**, 506(i) & 120-B of IPC in **(*)Crime No.8 of 2018**, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused by giving false promise to get a job in abroad and thereby received a sum of Rs.9 lakhs. However, the petitioner along with other accused neither arranged a job in abroad nor repaid the amount and hence, they cheated the de facto complainant.

3.The learned counsel appearing 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 petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) submitted that the amount involved in this case, was not yet recovered. According to him, the investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. On going through the case of the prosecution, totally 4 accused have involved in this case, in which, the petitioner herein is arrayed as A3. It is alleged that the petitioner being the travel agent, represented before the de facto complainant that A1 & A2 are the competent persons for arranging job in Canada. On believing the words of the petitioner herein, the de facto complainant paid a sum of Rs.5,00,000/-, in the accounts of A1 & A2. Now, they are in Canada. As of now, the amount, which was entrusted by the de facto complainant was not recovered. Apart from that the job was not provided to the de facto complainant. Accordingly, in order to complete the investigation, recovery of the entrusted amount is necessary. If, anticipatory bail is granted in favour of the petitioner, it may prejudice the process of investigation.

6.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
15/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY, MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/CSL/SAR-3-9.7.18-2P-3C

ORDER
IN
CRL OP(MD) No.773 of 2018
Date :15/02/2018 (1/2)