



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

Wednesday, the Twenty Fourth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18753 of 2018

MOHAMED FAIZAL KHAN @ NIYAS

...PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.
IN CRIME NO.36 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SATHIYA CHIDAMBARAM Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

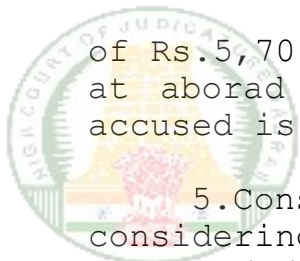
ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 28.08.2018 for the offence under Sections 406, 418 and 420 of I.P.C., in crime No.36 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint alleging that he completed Engineering degree and he was waiting for suitable job. At that A1, through face book given advertisement with regard to employment at abroad. Hence, the defacto complainant and another paid a sum of Rs.5,70,000/- to the first accused. The petitioner is the Assistant of A1 and on receipt of the amount, A1 directed the petitioner to start work to get job at abroad. However, no employment was given to the defacto complainant and another. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that even according to the prosecution case, the petitioner is the Assistant of A1 and he did not collect any amount and he did not induce anybody to get job at abroad and he is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged offence.

4.The learned Government Advocate (criminal side) would submit that the amount collected by the petitioner and another to the tune



of Rs.5,70,000/- from the defacto complainant and another to get job at abroad and thereafter, they were cheated by A1 and the first accused is still abscond and opposed the grant of bail.

5.Considering the facts and circumstances of the case and considering the period of incarceration by the petitioner and since the petitioner is the Assistant of A1, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, 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 learned Judicial Magistrate No.1, Tirunelveli;

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required.

sd/-
24/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYMKOTTAI, TIRUNELVELI DISTRICT.

4. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TIRUNELVELI CITY.

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

+1. CC to MR.S.SATHIYA CHIDAMBARAM Advocate SR.No.20149

ORDER
IN
CRL OP(MD) No.18753 of 2018
Date :24/10/2018

MS/PN/SAR-2/24.10.2018/2P.7C