



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22147 of 2018

1 VIJAY

2 MEERA SAKI

... PETITIONER / ACCUSED No. 1 & 2

Vs

STATE BY

THE SUB INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

(CRIME NO.1030/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.VIJAY KARTHIKEYAN, Advocate

For Respondent : MR. K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC., in Crime No.1030 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein had received a sum of Rs.3,00,000/- from the defacto complainant to send his son viz., Balu Anand to Malaysia for job. However, the petitioners failed to get job, as promised and thereby cheated the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant is the father of one Balu Anand, who sought a job in Malaysia through the petitioners, who is running Manpower Agency. The petitioners are the representatives of the Manpower Agency and had sent the defacto complainant's son Balu Anand to Malaysia in the year 2016. The understanding was that initially the defacto complainant's son would be sent in a Tourist Visa and thereafter, through petitioners' Agency at



Malaysia, he would be provided job and visa would be converted into working visa. The defacto complainant's son could not get proper job despite being in Tourist Visa he was made to stay there for eight months and continue with his work. In the meanwhile, the defacto complainant lodged a complaint to the respondent police that though he paid Rs.3,00,000/- to the petitioners Agency, his son was not provided with job and he had been cheated. Thereafter, at the instance of the petitioners, since the defacto complainant lost his passport, temporary Passport was arranged by the Agency of the petitioners at Malaysia and getting white passport, the defacto complainant's son had returned back to India. The petitioners got summoned by the respondent police wherein they explained that it is not their fault on which the defacto complainant's son could not be secured job. As a compromise, they paid a sum of Rs.1,00,000/-, in the bank account of Balu Anand. Further, they had incurred an expenditure of Rs.1,00,000/- for making arrangements for Balu Anand to go to Malaysia.

4. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that the petitioners herein had received a sum of Rs.3,00,000/- from the defacto complainant to send his son viz., Balu Anand to Malaysia for job. However, the petitioners failed to get job, as promised and thereby cheated the defacto complainant and the investigation is pending.

5. I have heard the learned counsels appearing on either side and perused the materials available on record.

6. Considering the above facts and circumstances of the case, the second petitioner had given birth to a child only 10 days before and the 1st petitioner is the employee of the agency, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.1, Madurai on condition that the petitioners 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 Magistrate concerned and on further condition that;

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police, as and when required, for interrogation.

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

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



[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE SUB INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.B.VIJAY KARTHIKEYAN Advocate SR.No.23579

ORDER
IN
CRL OP(MD) No.22147 of 2018
Date :18/12/2018