



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

Date : 21/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

WEB COPY

CRL OP (MD) . No.9579 of 2019

1. Raja @ Rajaram
2. Selvi @ Tamilselvi
3. Deivendran
4. Janakiram
5. Sriram

... Petitioners/Accused 1 to 5

Vs

State,
rep.by The Inspector of Police,
Karimedu (L & O) Police Station,
Madurai City.

(Crime No. 537/ 2019).

... Respondent/Complainant

For Petitioners : M/s.B.Viswanathan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

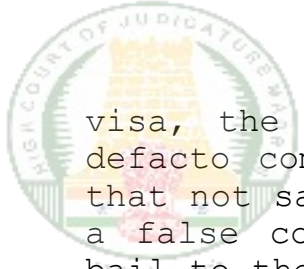
For Anticipatory Bail in Crime No. 537 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(i) of IPC seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the defacto complainant has approached the petitioners herein for taking tourist visa only and for that he has paid a sum of Rs.60,000/-. Accordingly the petitioners have arranged for tourist visa to go to Abudhabi and subsequently the defacto complainant refused to get the said visa and demanded to return the amount and hence after deducting the expenses for getting tourist



visa, the petitioners have returned a sum of Rs.20,000/- to the defacto complainant through his bank account. He further submitted that not satisfied with the same, the defacto complainant has lodged a false complaint and therefore he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners by giving false promise that they will make arrangement for getting working visa, they received a sum of Rs.80,000/- from the defacto complainant and thereafter they have arranged only for tourist visa and hence the defacto complainant insisted the petitioners to return the amount, but they refused to return the amount and hence he strongly opposed to grant anticipatory bail to the petitioners. However he fairly conceded that the petitioners have returned a sum of Rs.20,000/- to the defacto complainant through his bank account.

5.Taking into consideration of the fact that the petitioners have already arranged tourist visa to the defacto complainant and there is no material before this Court except bare allegations that the petitioners have agreed to take working visa to the defacto complainant and also the fact that the petitioner have already returned a sum of Rs.20,000/- to the defacto complainant through his bank account, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

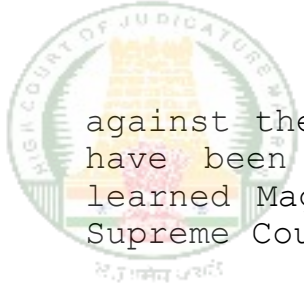
[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI
- 2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARIMEDU (L & O) POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.VISWANATHAN, Advocate (SR-14011[I] dated 26/08/2019)

ORDER
IN
CRL OP (MD) No.9579 of 2019
Date :21/08/2019

AAV
ES/JC/SAR2/29.08.2019/3P/6C