



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD).No.9719 of 2019

Sabira Banu,

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,,
City Crime Branch,
Trichy City.
in Crime No.30/2019.

... Respondent/Complainant

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

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

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

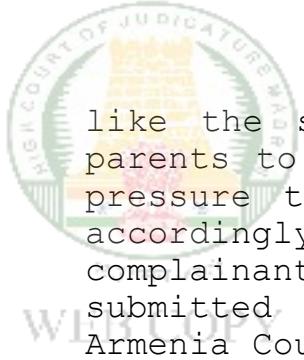
PRAYER :-

For Anticipatory bail in Cr.No.30 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.30 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner submitted that the petitioner is running a Travel Agency and the defacto complainant approached the petitioner through A2 for going to Armenia Country for employment purpose and the petitioner has made an arrangement and accordingly, the defacto complainant also went to the said Country. He has further submitted that even in the FIR, the defacto complainant has admitted that he was sent to Armenia and there, some employment was given to him and subsequently, he did not



like the said employment and thereby, he made a request to his parents to lodge a complaint before the police and the police gave pressure to take a return ticket to the defacto complainant and accordingly, she took the return ticket and sent to the defacto complainant and thereafter, he came to India. He has further submitted that before the defacto complainant was sent to the Armenia Country, an agreement was entered between the petitioner and the defacto complainant, wherein it is stated that if any employment is not given to the petitioner in the said country, after adjusting the expenses for taking Visa, balance amount will be paid within a month. But in this case, admittedly employment was provided in the said country and as such the petitioner need not return the amount. He further submitted that the petitioner has not committed any offence and only with a view to extract money from the petitioner, the defacto complainant has lodged a false complaint. He further submitted that even though the petitioner has not committed any offence, in order to show her bonafide, without prejudice her defence, she is prepared to deposit a sum of Rs.20,000/- to the credit of Crime No.30 of 2019 and hence, he prayed to grant anticipatory bail.

3.The learned Additional Public Prosecutor for the respondent has submitted that the petitioner and the second accused after giving a false promise that they will make arrangement for job in Singapore, they have received a sum of Rs.3,50,000/- from the defacto complainant and three others. But subsequently, they have sent the said persons to Armenia Country. He further submitted that at the time of sending the defacto complainant to Armenia, the petitioner promised that the defacto complainant will be employed in a Super Market for monthly salary of Rs.80,000/-. After sending there, he was employed for cutting trees and hence, he made a request to the petitioner to take a return ticket and accordingly, the petitioner had taken a return ticket and sent to the defacto complainant and thereafter, the defacto complainant came to India. He further submitted that the petitioner and the second accused totally received a sum of Rs.14 lakhs from 4 persons and cheated them. The investigation is at initial stage and therefore, he opposed this petition. However, he fairly conceded that on 18.02.2019, the defacto complainant entered into an agreement with the petitioner, agreeing that, only in the case not providing job at Armenia, the petitioner has to pay the amount after deducting the amount, which was spent for Visa.

4.Taking into consideration of the fact that admittedly, the defacto complainant was provided a job at Armenia country and it is not known under whom he was employed and what was the salary given to him and also the fact that only at the request of the defacto complainant, the petitioner has taken a return ticket and sent to him, by using the said ticket, he came to India and also taking into consideration of the agreement said to have been executed by him and as per the said agreement, if job is not provided in the said



country, the petitioner has to return the amount after deducting the amount, which was spent for taking Visa and also the fact that the petitioner is prepared to deposit a sum of Rs.20,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

WEB COPY

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy, on condition that 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 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:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

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

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

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/07/2019

/ TRUE COPY /

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

TO



2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY CITY.

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

+1 CC to MR.B.JAMEEL ARASU, Advocate (SR-11549[I] dated
11/07/2019)

ORDER

IN

CRL OP (MD) No.9719 of 2019

Date :10/07/2019

DAS

AE/JC/SAR-IV (17.07.2019) 4P 6C