

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.5438 & 5483 of 2020

Rajesh ... Petitioner in Crl.OP.No.5438 of 2020

Vaiyapuri ... Petitioner in Crl.OP.No.5483 of 2020

Vs.

The State Represented by :-
The Inspector of Police,
Marandahalli Police Station,
Dharmapuri.

Crime No.30 of 2020 ... Respondent in both Crl.OPs

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.30 of 2020, on the file of the Inspector of Police, Marandahalli Police Station, Dharmapuri.

In both Crl.OPs

For Petitioner : Mr.M.Selvam

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 IPC r/w. Section 10 & 24 of Emigration Act, 1983 in Crime No.30 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners cheated an amount of Rs.2,08,000/- from the defacto complainant on the assurance of getting job in Malaysia. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and an attempt has been made by the defacto complainant to convert the financial dispute as a case of job racketeering. He would submit that without prejudice to the contention and defence the petitioners are prepared to jointly deposit a sum of Rs.50,000/- to show their bonafide. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted it is case of job racketeering and he opposed for the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Twenty Five Thousand only) each to the credit of the Crime No. 30 of 2020 within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier and on such deposit the petitioners are ordered to be released on bail in the event of their arrest by the respondent Police or their appearance before the learned Judicial Magistrate, Palacode, Dharmapuri District on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30a.m. for a period of two weeks and thereafter, every Monday at 10.30a.m until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, both the Criminal Original Petitions are ordered.

-sd/-
21/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PALACODE, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI.

CC to M/S M.SELVAM Advocate on payment of necessary charges

CRL.OP.NOS.5438 & 5483 OF 2020

Date :21/07/2020

MK:17/08/2020