



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

Date : 05/11/2020

PRESENT

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

CRL OP(MD) . No.12454 of 2020

K.Muhammad Ishaq

... Petitioner/Accused No.1

Vs

The State Rep.by,
The Inspector of Police,
District Crime Branch,
Theni District.

... Respondent/Complainant

For Petitioner : Mr.S.Suganth Sam Abraham,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 109,
420, 294 (b), and 506(ii) of IPC, 1860 r/w Section 24 of the
Emigration Act, 1993. seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the accused persons have
assured that they will get job at Moricious and collected a sum of
Rs.7,40,000/- from 5 victims. When the victims got down in the
Moricious Air Port, the Air Port Migration Authorities found that
the Visa and all the documents are fake one. Thereby, the accused
person cheated the victims.

4.The learned counsel for the petitioner submitted that only
after complaint lodged by the other victims, the present complaint
has been lodged. He further submitted that the petitioner also spent
nearly a sum of Rs.7,00,000/- for obtaining Visa for the victims and
he also returned a sum of Rs.1,00,000/- to the victims. Therefore,



the custodial interrogation of the petitioner does not require and hence, he prayed for anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) submitted that there are two accused. The petitioner is arrayed as A1 and A2 was already detained under Goondas Act. They collected a sum of Rs.7,40,000/- from the 5 victims and fabricated the bogus document and Visa and therefore, the petitioner committed very serious offence and he prayed for dismissal of this petition.

6.It is seen that there are totally 2 accused, in which, the petitioner is arrayed as A1. A2 already detained under Goondas Act. According to the case of the prosecution from the 5 victims, they have collected a sum of Rs.7,40,000/- and sent them to Morichious by using fabricated documents. When they got down the Air Port of Morichious, the Air Port Migration Authorities found that the document found to be fake. Now, the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit substantial amount.

7.Considering the above submission, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- to the credit of Crime No.8 of 2020 before the learned Judicial, Magistrate Court, Theni, within a period of 2 weeks and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial, Magistrate Court, Theni 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:

(a)the petitioner and the sureties shall affix his 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 his identity;

(b)the petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of two weeks and thereafter as on when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Judicial 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]; and;

(f) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, THENI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12454 of 2020
Date :05/11/2020

DSS
PK/AKM/SAR-II/18.11.2020 : 3P/5C