

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.940 of 2021

K.SADHAM HUSSAIN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CHENNAI CCB-II,
CHENNAI.
CR.NO.103 OF 2020

[RESPONDENT]

For Petitioner : M/S S.N.SUBRAMANI Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is Al. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 468 and 420 of IPC r/w 24 and 10 of Emigration Act, 1983 on the file of the respondent police in Crime No.103 of 2020, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner opened a consultancy office during February, 2019 to arrange employments to qualified persons in the software company. He also promised to give employment outside the country and had collected a sum of Rs.2,65,000/- from the defacto complainants on the pretext of sending them to Maldives, but have ended up sending them to Russia and that to on a fake visa. When the defacto complainants demanded back their money, the petitioner refused to pay the same. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has promised jobs abroad, collected huge money and then cheated the defacto complainants.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on 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.II, Poonamallee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 petitioner shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only), before the the learned Judicial Magistrate No.II, Poonamallee, to the credit of Crime No.103 of 2020, within a period of four weeks from the date of receipt of a copy of this order.

(d) The petitioner shall appear before the respondent police, as and when required for interrogation.

(e) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioner shall not abscond either during investigation or trial.

(g) 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].

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
18/03/2021

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,
NO.II, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENNAI CCB-II,
CHENNAI.

+1 CC to M/S S.N.SUBRAMANI Advocate on payment of necessary charges SR.No.3755

सत्यमेव जयते

CRL OP.940/2021

cs 01/04/2021

Date :18/03/2021

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