

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4711 of 2021

Anwar Basha

... Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Cuddalore Dt.
(Crime No.05 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.05 of 2021 on the file of Respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A3. The petitioner, who was arrested and remanded to judicial custody on 18.01.2021 for the offence punishable under Sections 406, 420 and 506(i) of I.P.C. in Crime No.05 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that it is case of job racketing. The allegation is that A1 and A2 running a travel agency and they said to have sent people to abroad for employment, for which, they have collected money promising that they will get job at abroad, to the tune of Rs.11 lakhs. But, they have failed to send them. So far as this petitioner is concerned, he has acted as an agent, collected money and handed over the same to A1 and A2. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 18.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that admittedly, he has acted as an agent and he has received a sum of Rs.10,000/- as commission only, except that, he has not received any amount and the total amount collected to the tune of Rs.12 lakhs was received by A1 and A2. He would submit the petitioner is an innocent person, he has been falsely implicated in the present case and he is not involved in the offence as alleged in the complaint. He would submit that now the investigation is almost completed. He would submit that he is in jail from 18.01.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that earlier, the petitioner has acted as an agent and he has collected the amount and handed over the same to A1 and A2. She would also submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, the petitioner has acted only as an agent, the investigation is almost completed, and considering the period of incarceration suffered by the petitioner for more than two months, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.I, Panruti and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, after his release from prison, shall report before the respondent daily at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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.

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

-sd/-
12/03/2021

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.I,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE DISTRICT,
CUDDALORE.

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

CRL OP.4711/2021

Date :12/03/2021