



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5896 of 2022

KARTHICK @ C.SARAVANAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-II,
CHENNAI.
CRIME NO.90 OF 2019.

[RESPONDENT]

For Petitioner : M/S.K.GANDHIKUMAR Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406, 420, 465, 467, 468 471 & 506(i) of IPC in Crime No.90 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is arrayed as A2 along with 3 other accused persons has allured engineering graduates offering job in Kuwait, has collected around Rs.9,00,000/- from prospective job seekers. One of them by name called Gokul Kumar, who paid Rs.85,000/- to the accused persons, however secured the Visa and job at Kuwait found that the Visa given to him by the accused persons is a fake one and therefore he gave a complaint to the respondent Police. Subsequently, investigation has brought to light that apart from the defacto complainant, 13 others were cheated by the accused persons.



3. The learned Government Advocate (crl.side) appearing for the respondent submits that the petitioner herein though arrayed as A2, he is only an employee under A1 and on instruction of A1, he has given receipts but he has no role in the crime and he is not aware of the alleged fake Visa issued to the defacto complainant. He further states that from the investigation, the prosecution came to know that A1 and A2 have engaged A3 to prepare a fake Visa and this petitioner along with A1 was calling prospective job seekers to pay the money to get a job in Kuwait and all of a sudden, one day they closed their shop and got absconded. This petitioner along with other accused are still absconding.

4. However, it is brought to the notice of this Court that the other three accused were detained in a connected case and formal arrest was made in this case and released on bail. In the said circumstances, since the Investigating Officer in this case though not fit to take custodial interrogation of the other accused, it is suffice to impose conditions on the petitioner herein. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Chief Metropolitan Magistrate Court, Egmore, Chennai - 8 on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only), with two sureties 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(d) the petitioner shall report before the Investigating Officer daily at 10.30 am, until further orders;

(e) the petitioner 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 has 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;

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

-sd/-

16/03/2022

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 CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI-8.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-II,
CHENNAI.

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

CRL OP.5896/2022

Date :16/03/2022

RW 24/03/2022