



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

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11400 of 2022

ARUN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
V-7, NOLAMBUR POLICE STATION,
CHENNAI
(CRIME NO.46/2020)

[RESPONDENT]

For Petitioner : M/S S.P.PAVANAN Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences under Sections 120-B, 406 & 420 I.P.C in Crime No.46 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. There are totally 13 accused persons in this case and the petitioner is arrayed as A3. The case of the prosecution is that the de facto complainant had obtained licence of man power from the Ministry of External Affairs. While that being so, in the month of December 2017, the petitioner along with other accused, have contacted on behalf of Hamton International WLL in Qatar and introduced them that the said Hamton needs about 150 people immediately. They also promised to pay Rs.8,500/- to each of the employees for Insurance, Emigration Clearance and their Company Service Charges. Accordingly, the petitioner and others had sent 62 persons to Qatar through the de facto complainant. However, 12 persons have returned for so many reasons and the remaining 50 persons are working in Qatar. Thereafter, 12 persons have lodged a complaint against the de facto complainant and fraudulently sent them without proper records. In turn, the de facto complainant has lodged a complaint against the petitioner and others in Cr.No.46 of 2020. Insofar as the other accused persons are concerned, they were



arrested and released on bail. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police while reiterating the case of prosecution, opposed the grant of anticipatory bail to the petitioner.

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

6.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 on which the order copy made ready, before the learned Judicial Magistrate, Ambattur, 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 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:

[a] the petitioner 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and 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 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].



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

WEB COPY

-sd/-

18/05/2022

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 JUDICIAL MAGISTRATE,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
V-7, NOLAMBUR POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.P.PAVANAN Advocate on payment of necessary charges
Sr.7153

CRL OP.11400/2022

Date :18/05/2022

RVR 20/05/2022