



Crl.O.P.No.15358 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.,

The Petitioner who apprehends arrest at the hands of the Respondent/Police for the offences punishable under Sections 406, 420 & 34 IPC in Crime No.122 of 2022, seeks anticipatory bail.

2. The contention of the learned Counsel for the Petitioner is that he was running a Tourist Agency and he referred the de-facto Complainant to one R.Mageshwari, who was working as a Senior Director-HRD in Infosys, for securing job Overseas. The said R.Mageshwari had received amounts from various persons for arranging jobs Overseas. The de-facto complainant had also paid money to her for securing job, but she neither arranged any job, nor returned the money. Therefore, the Petitioner himself has lodged a complaint against the said Mageshwari. He also co-operated with the preliminary enquiry. Thereafter, the Police registered a case and arrested the said Mageshwari. During enquiry, the said Maheshwari has given statement against the Petitioner. Hence, the Petitioner apprehends arrest at the hands of the Respondent/Police. The learned Counsel for the



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Petitioner further submitted that the Petitioner has nothing to do with the acts of the said Mageshwari. Further, the said Mageshwari is in judicial custody. Hence, he seeks anticipatory bail.

3. The learned Government Advocate (Crl.side) appearing for the Respondent/Police filed a counter affidavit wherein it is stated that the main accused/A1, who is in judicial custody has given statement during enquiry that she had paid 20% of the amount received from the victims to the Petitioner herein/A2 as commission. Therefore, the Investigating Officer seeks custodial interrogation of the Petitioner/A2. Hence, he vehemently objected for grant of anticipatory bail to the Petitioner/A2.

4. Considering the nature of offence registered under Sections 406, 420 & 34 IPC and the fact that the main accused had already been arrested. She is still in judicial custody. Further, as per the counter and submission of the learned Government Advocate (Crl.side), the money was deposited in the account of the said Mageshwari, who is alleged to



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have paid 20% of the amount received for providing jobs in the account of the Petitioner herein. It is for the Investigating Officer to collect the materials, whether such payments were made through the bank transaction for which, the custodial interrogation of the Petitioner is not necessary.

5. Hence, considering the nature of the allegations against the Petitioner, the objections raised by the learned Government Advocate (Crl.side) is rejected. This Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

6. Accordingly, the Petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of Crime No.122 of 2022**, within a period of 15 days from the date on which the order copy is made ready, and on such deposit the Petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Chief Metropolitan Magistrate, Egmore, Chennai, on condition that the Petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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ten thousand only) with **two sureties**. Out of which, one of the sureties shall be a blood relative, 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 automatically without further reference to Court and on further condition that:

[a] the Petitioner and the sureties shall affix their photographs and Left Thumb Impressions in the surety bond and the Magistrate concerned may obtain a copy of their proof of identity like Aadhar card or Voter identity card or driving licence or Bank pass Book.

[b] the Petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.122 of 2022, within a period of 15 days from the date on which the order copy is made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge on conclusion of trial.

[d] the Petitioner shall appear before the Respondent/Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the Petitioner shall not tamper with evidence or witness either



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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.

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