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CrI.OP.No.15700 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.15700 of 2022

M.Mohamed Rafique

..Petitioner/ A2

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Job Racket Wing, Team-28,
Central Crime Branch,
Egmore, Chennai
crime No.167 of 2018

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.167 of 2018 pending
investigation on the file of the respondent police.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner/A2, who was arrested and remanded to judicial
custody on 14.06.2022 for the offences punishable under Section 420 of



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IPC and Section 10 r/w 24 of Emigration Act in crime No.167 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during 2017, the third accused had allured the defacto complainant with a promise to secure a job in Canada and collected Rs.2,78,500/- from him on various dates. Thereafter, the third accused introduced the defacto complainant to the first accused and the petitioner as they are processing the travel and on believing the word, the defacto complainant transferred Rs.2,25,000/- in the account of the first accused. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that since first accused is the son of the petitioner, he has been implicated as the second accused in this case. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons collected Rs.70,62,000/- from 40 victims on promise to get a job abroad. However, they failed to do so. He would further submit that the petitioner is the father of A1 and A3. He would further submit that already A1 and A3 were arrested and released on bail. However, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally four accused, in which the petitioner is arrayed as A2. As far as the petitioner is concerned, according to the prosecution, he only induced the victims to pay the amount. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 CCB/CB-CID, Metropolitan Magistrate, Egmore, Chennai and on further conditions that:



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[a] 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. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The CCB/CB-CID, Metropolitan Magistrate,
Egmore, Chennai
- 2.Inspector of Police,
Job Racket Wing, Team-28,
Central Crime Branch,
Egmore, Chennai
- 3.Central Prison,
Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras

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