



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/03/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4746 of 2022

1. G.Srinivasan
2. V.Sindhu

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
District Cyber Crime,
Kanyakumari.
(Cr.No.17/2021).

... Respondent/Complainant

For Petitioners : Mr.Baalasundharam.K,
Advocate.
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 17 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420 of IPC r/w 66(D) IT Act, in Crime No.17 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a nursing graduate and she came to know through her whatsapp number, that there are vacancies available at Kuwait for nursing post, therefore, she contacted that number and that the defacto complainant was informed by the petitioners that Visa is very much ready for the post of staff nurse at Kuwait. Thereafter, the petitioners informed the defact complainant to deposit Rs.5 lakhs for the above said post. Consequently, the defacto complainant has also deposited that amount to the petitioners' account, but Visa is not provided as stated by the petitioners. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are husband and wife and that they are doing overseas recruitment consultancy under the name and style of Anush Consultants at Salem, that the said consultancy is having two other concerns Pavintra HR placement service at Salem, that they have forwarded the documents submitted by the defacto complainant to the overseas establishment and that they have forwarded three offers received from the overseas to the defacto complainant, but the defacto complainant for no good reasons has declined those three offers and that therefore, the petitioners cannot be found fault with.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that it is the clear case of job racketing.

5.When the matter is taken for hearing today, the learned counsel for the petitioners has filed an affidavit sworn by the first petitioner, wherein the specific undertaking that he is ready to deposit the amount involved in the present case and also undertaking to co-operate for the investigation.

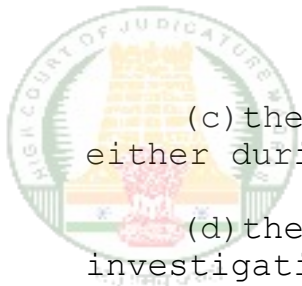
6.Considering the facts and circumstances of the case and also taking note of the undertaking affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the learned Judicial Magistrate No.I, Padmanabapuram, to the credit of Crime No.17 of 2021 without prejudice to their rights and contentions within a period of two weeks from the date of receipt of a copy of this order;

8.On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned Judicial Magistrate No.I, Padmanabapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and



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

(d)the petitioners shall not abscond either during investigation or trial;

WEB COPY (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]***; and;

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

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
PADMANABAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
DISTRICT CYBER CRIME,
KANYAKUMARI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.BAALASUNDHARAM, Advocate SR-2410[I] dated 23/03/2022

ORDER IN

CRL OP(MD) No.4746 of 2022

Date :22/03/2022

DAS

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