



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

PRESENT

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.3816 of 2023

Kader Ibrahim

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(in Cr.No.631 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.631 of 2022.

For Petitioner	: Mr.R.Paranjothi
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)

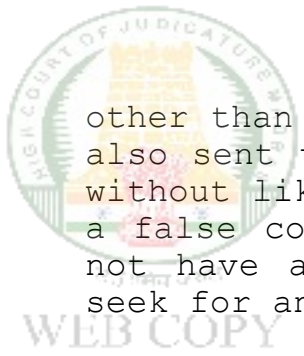
ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406 and 420 IPC in Crime No.631 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Sivamathi, is that the accused had received Rs.1,00,000/- from her husband and had sent her husband to Saudi Arabia for doing construction work and after reaching Saudi Arabia, her husband was not given job and he was given food for only one time in a day and her husband was put to untold sufferings and when the de-facto complainant had questioned the accused, he had not given any satisfactory reply. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that even admittedly, the petitioner had only

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other than that, he does not know anything and the travel agency had also sent the de-facto complainant's husband to Saudi Arabia and he without liking the work had returned back to India and had now given a false complaint. He would also submit that the petitioner does not have any previous case pending against him. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has introduced the de-facto complainant's husband to a travel agency and they have together received a sum of Rs.1,00,000/- and sent him to Saudi Arabia, but they did not provide job and also proper food to the de-facto complainant's husband. He would object for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Aranthangi, 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 everyday at 10.30 a.m., until further orders.

[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.

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/03/2023

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

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To

- 1.The Judicial Magistrate, Aranthangi.
- 2.Do through the Chief Judicial Magistrate,
Pudukottai District.
- 3.The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

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NA/SAR-4/13.03.2023/3P/5C