



CRL OP(MD)No.19931 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.19931 of 2023

Subramanian

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
E.Pudur Police Station,
Trichy City, Trichy District.
(Crime No.1207 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.Suresh Kannan,Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1207 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the

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offences punishable under Sections 417, 418, 406, 420 IPC in Crime No.1207 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Sub-Agent in the Alsara Apraat Service. The petitioner also runs the business of sending workers abroad by name and style of newlife travels. The petitioner approached the defacto complainant and told that a company in Brunei country needs people for work and it costs a sum of Rs.20,000/- to get a visa for one person. On 21.12.2019 the defacto complainant gave a sum of Rs.2,40,000/- to the petitioner for getting visa for 24 people and again the defacto complainant gave a sum of Rs.2,80,000/- for getting visa for 14 people. After receiving the money, the petitioner issued visas for 38 persons. After verifying the visas, the defacto complainant came to know that the visa is a fake one. Immediately, the defacto complainant approached the petitioner to get back the money. However, the petitioner failed to return the money. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the defacto complainant received money from the various



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persons and gave it to the petitioner in order to get a visa. However, the petitioner issued a fake visa and hence, the defacto complainant approached the petitioner to get back the money. However, the petitioner failed to return the money. He would further submit that the investigation in this case is not yet completed.

5.On perusal of records, it is noticed that the petitioner received a sum of Rs.5,20,000/- and already returned Rs.1,25,000/- and balance Rs.3,95,000/- has to be returned.

6.Considering the nature of allegations levelled as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.3,95,000/-(Rupees Three Lakhs Ninety Five Thousand only) to the credit of Cr.No.1207 of 2023 before the learned Judicial Magistrate No.II, Trichy, within a period of two weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner shall stand cancelled automatically. After such deposit, the learned Judicial Magistrate No.II, Trichy shall return the deposited money to the persons, who are all gave money to the defacto complainant, without notice to the petitioner.

7.On such deposit, 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 No.II, Trichy on

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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 trial Court on summons.

[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].



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

sd/-
17/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTER OF POLICE
E.PUDUR POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-16521[I] dated 20/11/2023

ORDER
IN
CRL OP(MD) No.19931 of 2023
Date :17/11/2023

PKP/JGB/SAR- /28.11.2023/ 5P/ 6C
Madurai Bench of Madras High Court is issuing certified
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