



Crl.O.P.No.10585 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 429 of IPC, in Crime No.123 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, she and her husband searched a job in Internet and on 15.12.2022, the defacto complainant's husband contacted the petitioner, who is running a Moonlight Jobs Consultancy and it is alleged that the petitioner asked the defacto complainant's husband to give Rs.3,00,000/- and again Rs.7,00,000/- to get the job at Australia, for which, the defacto complainant's husband paid an advance of Rs.1,50,000/- to him. The further allegation is for the job in Newzealand, this petitioner had paid a sum of Rs..9,00,000/- for visa but now, he is in Newzealand as refugee. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he is no way connected with the above alleged offence. He further submitted that the petitioner is ready to abide by any



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conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned counsel for the intervener submitted that the petitioner had cheated a sum of Rs.9,00,000/- from her husband to get a visa and now he is in Newzealand as a refugee. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is running a Moon light Consultancy. He received a sum of Rs.9,00,000/- from the defacto complainant's husband and later he got a visa, and now he is a refugee in Newzealand. He further submitted that the investigation is almost completed. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

6. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

7. Heard the learned counsel for the petitioner, learned counsel for the intervener and also the learned Government Advocate (Crl.Side) and



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perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.5,00,000/- to the credit of the Crime No.123 of 2024, this Court is inclined to grant **interim anticipatory bail till 09.07.2024** to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on interim anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate Court No.II, Alandur*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.123 of 2024 before the learned concerned Magistrate, within a period of three weeks from the date of



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receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment."

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on alternate days at 10.30 a.m, for a period of three months and thereafter as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid



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down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

10. Post the matter “for reporting compliance” on 09.07.2024.

05.06.2024

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