



Crl. O.P. No.17751 of 2024

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WEB C P.DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Section 420 of IPC in Cr. No.464 of 2023, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioners, under the guise of getting employment in foreign to the defacto complainant, collected money to the tune of Rs.2,78,700/- through the 2nd petitioner's account and deceived the defacto complainant, that the petitioners neither arranged job in foreign nor returned the money collected for employment and hence the case.

3. The learned counsel appearing for the petitioners would contend that the husband of the defacto complainant was sent to Armenia by issuing E-Visa on 15.02.2023 and the working contract was also issued by the petitioners, that they are running a group of hotels in Armenia and Georgia with good reputation, that the 2nd petitioner is admitted the amount received in her account and the husband of the defacto complainant was given employment in Armenia, that this case has been



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registered against the petitioners based on the false complaint given by the defacto complainant and that the petitioners are innocent persons and hence he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (criminal side) appearing for the State would submit that the petitioners are husband and wife and they had falsely represented the defacto complainant to get employment in foreign and collected Rs.2,78,700/- for the expenses of VISA, flight tickets and processing fee etc., that the accused had neither got employment to the defacto complainant's husband in foreign nor repaid the amount collected under the guise of getting employment, that investigation is pending and hence he strongly objected to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervener / defacto complainant has reiterated the submissions made by the learned Government Advocate appearing for the respondent police and he also objected to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.



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7. Considering the rival submissions putforth on either side and considering the fact that there is dispute between the parties in respect of securing job in abroad and now the defacto complainant's husband went to abroad for job and thereafter, the complaint has been lodged by the defacto complainant, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Neyveli** on condition that the petitioners shall each 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every day at 10.00 a.m. until further orders.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or



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to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 petitioners 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 269 B.N.S.2023.

30.08.2024

mjs

P.DHANABAL,J
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To

1.The District Munsif cum Judicial Magistrate, Neyveli

2.The Inspector of Police, Neyveli Township Police Station, Cuddalore



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District.

3. The Public Prosecutor, High Court, Madras.

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