



CRL O.P. No.22314 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.22314 of 2024

Nisha @ Niranjana W/o. Vijayakumar ... Petitioner /Accused
No.1

Vs

State rep. by:-

The Inspector of Police,
CBCID, Tiruvarur.
[Cr. No.1 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of
B.N.S.S., praying to grant bail to the petitioner/Accused No.1 in Crime
No.1 of 2024 on the file of the respondent police.

For Petitioner : Mr. K.M. Vijayan Associates

For Intervenor: Mr. K. Nandha Kumar

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER

The petitioner/Accused No.1, who was arrested and remanded to
judicial custody on 12.08.2024 for the offences punishable under Section



CRL O.P. No.22314 of 2024

120-B, 420, 368 and 371 of IPC in Cr. No.1 of 2024 on the file of the respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that the petitioner worked as a Mediator along with A2, who is an agent, for securing job in abroad, that the defacto complainant, a B.E. graduate, approached the petitioner and he was informed by the accused that there is a call centre job at Cambodia and for the same, the defacto complainant gave several amount to the accused and as planned, he was sent to Cambodia by the accused and started to do the job assigned to him, but thereafter, he came to know that the works which were assigned to him were illegal scamming and he was harrassed by the persons at Cambodia and hence he returned to India and the accused failed to repay the amount collected from the defacto complainant under the guise of securing overseas job. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case and remanded to judicial custody on 12.08.2024 for the offences punishable under



CRL O.P. No.22314 of 2024

Sections 120-B, 420, 368 and 371 of IPC alleging that the defacto complainant and his father approached the petitioner for securing overseas job and he introduced another accused and he stated that there is a call center job available at Cambodia and thereby, he received money from the defacto complainant and thereafter, the defacto complainant went to Cambodia and started to do work assigned to him and later he came to know that the works assigned to him were illegal scamming and hence he was not interested to do his job and came to India and when he approached the petitioner and the co-accused, they did not repay the money collected in the guise of getting job at abroad and they cheated the defacto complainant, in fact, this petitioner only introduced the defacto complainant to the travel agent, who is also one of the accused in this case, apart from that, he has not committed any offence, that he is in judicial custody from 12.08.2024 and he has no any previous case pending against him and hence he prayed to grant bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner along with the co-accused have cheated the



CRL O.P. No.22314 of 2024

defacto complainant under the guise of getting overseas job and the defacto complainant was sent to Cambodia for the work of illegal scamming and this petitioner has only arranged tickets and investigation is at initial stage. Hence he objected to grant bail to the petitioner.

5. The learned counsel appearing for the intervenor has reiterated the arguments of the learned Government Advocate (Criminal side) appearing for the State.

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

7. Considering the rival submissions on either side, considering the fact that this petitioner has only acted as Mediator, that no previous case is pending against this petitioner and also considering the incarceration period of this petitioner from 12.08.2024, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



CRL O.P. No.22314 of 2024

Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Chief Judicial Magistrate, Tiruvarur** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

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

[e] the petitioner 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have



CRL O.P. No.22314 of 2024

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].

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

01.10.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J
mjs

To

- 1.The Chief Judicial Magistrate, Tiruvarur
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, CBCID, Tiruvarur.
4. The Women Prison, Tiruvarur.



WEB COPY



CRL O.P. No.22314 of 2024

CRL. O.P. No.22314 of 2024

01.10.2024