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CrI.O.P.No.26886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.26886 of 2024

Ramkumar
S/o.Paramanathan

... Petitioner

Vs.

State represented by its,
Inspector of Police
CCB Police Station
Chennai
(Crime No.164 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail in Crime No.164 of 2024 on the file
of the respondent police.

For Petitioner : Mr.G.Penosh

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 25.09.2024, for the alleged offences punishable under Sections 10, 24 of Emigration Act and 318(4) of BNS in Crime No.164 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner without any licence, operated an unauthorised agency in the name and style of Aram Vissa Pvt. Ltd. and recruited candidates for overseas jobs in violation of Emigration Act, 1983. Further, the petitioner, being the Managing Director of the firm, has received cash of Rs.50,000/- from two person namely Akilraj and Abilesh and thereafter, he neither arranged jobs for them nor returned the money. During search in the said office, the respondent police, seized 8 laptops, 11 mobiles and related documents. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any



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conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, without any licence, recruited candidates for overseas jobs in violation of Emigration Act, 1983 and based on the complaint given by the Protector of Emigrants (Tamil Nadu and Puducherry), the case has been registered. He further submitted that there is no previous case pending against the petitioner. However, he opposed for the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioner from 25.09.2024, and the petitioner has no previous case, pending against him and considering the oral undertaking given by the petitioner that without proper licence, the petitioner will not indulge in the same business again and also considering all others



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factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 CCB Additional Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

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

[c] 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;



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

[e] 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 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.10.2024

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To

- 1.The CCB Additional Metropolitan Magistrate,
Egmore, Chennai
- 2.The Inspector of Police
CCB Police Station
Chennai
- 3.The Superintendent,
Central Prison-II, Puzhal
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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