



Crl.O.P.No.28260 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police punishable for the offences punishable under Sections 465, 468, 469 & 471 of IPC, in Crime No.205 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused persons, has cheated the defacto complainant's company by creating false X-ray and bogus documents. The further allegation is that in Gulf countries, as per the company rules, the candidate undergoes medical test. After arriving in the Gulf country and undergoing a medical test there, the candidate is found unfit in X-ray report and on that basis, the company in Gulf cancels their visa and send them back to India, alleging that an unfit person was selected and sent for job in the Gulf countries. It is further alleged that the petitioner herein is an agent and on instructions of other accused, processed the same. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is



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an innocent person and he has been falsely implicated in this case. He further submits that the petitioner is only an agent and no specific overt act against the petitioner. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned counsel for the defacto complainant raised his objections for granting anticipatory bail stating that the petitioner herein along with other accused created fake X-ray and forged documents of the candidates from unfit to fit candidates to the Gulf country. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that by creating false X-ray and bogus documents, the petitioner herein acting as an agent send the candidates to the Gulf countries and for which, their visa has also been canceled and send back to India. He further submits that the investigation is still pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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6. Heard both the learned counsel for the petitioner and the Intervener as well as the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on **anticipatory 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 18th Metropolitan Magistrate, Saidapet, Chennai**, on 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 stands dismissed and on further condition that:



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[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 respondent police daily at 10.30 a.m for a period of three months;

[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]**;

[f] If the accused thereafter absconds, a fresh FIR



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can be registered under Section 229A IPC.

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