



CRL OP(MD). No.22727 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Gomathi

...Petitioner/Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch Police Station,
Trichy District.
(Crime No.76 of 2024)

... Respondent/Complainant

For Petitioner : Dr.R.Alagumani,
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS
Act.

PRAYER :-

For Anticipatory Bail in Crime No. 76 of 2024 on
the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 of IPC, in Crime No.76 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running an agency named 'Wings of Europe'. The petitioner used to facilitate the applicants to get job abroad. In the course of this business, the petitioner is said to have received a sum of Rs.10,50,000/- from the defacto complainant and her husband and assured to send them to Germany. Instead, they were sent to Armenia. After a great difficulty, the defacto complainant and her husband returned back to India after eight months. When the same was questioned, the petitioner refused to repay back the money and thereby cheated the defacto complainant and her husband. In the course of investigation, the police found that there were four victims who were similarly cheated to the total tune



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of Rs.39,20,000/-.

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3. The learned counsel for the petitioner submitted that the defacto complainant and her husband were working in Armenia for nearly eight months and later came back to India and gave the complaint. The learned counsel further submitted that the defacto complainant and her family members and friends came to the office of the petitioner and ransacked the office. Based on the same, a complaint was given and an FIR was registered in Crime No.2189 of 2024 by the Trichy Cantonment Police Station. That apart, the petitioner also filed a suit in O.S.No.294 of 2024 before the I Additional District Munsif Court, Trichy, seeking for the relief of permanent injunction. The learned counsel submitted that the defacto complainant has chosen to give the complaint after nearly two years and that too, after the intervention of the Superintendent of Police.

4. The learned Government Advocate submitted that in the instant case, there are four victims



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involved. A total sum of Rs.39.20 lakhs was received on the promise to send the victims to Germany and whereas they were all sent to Armenia. They were forced to secure a job at Armenia and with very great difficulty, they have returned back to India. The learned Government Advocate submitted that custodial interrogation is required in this case and therefore vehemently opposed grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either side and perused the material records of the case.

6. Taking into consideration the facts and circumstances of the case and considering the specific defense taken by the petitioner and also considering the fact that the victims had in fact worked at Armenia for eight months and the entire case is borne out by records, custodial interrogation may not be required in this case and therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on 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 Judicial Magistrate No.I, Trichy, 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 stand dismissed and on further condition that:

[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 on every Monday, Wednesday and Friday at 10.30 a.m. for a period of 4 weeks and thereafter, as and when required for interrogation.



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[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 petitioners 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 of BNS, 2023. IPC.

(N A V J)
02.01.2025

PKN

TO

1. The Judicial Magistrate No.I, Trichy.
2. The Inspector of Police,
CDistrict Crime Branch Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

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ORDER
IN
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