

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Vacation Sessions Judge./Principal Sessions Judge,
Kanniyakumari at Nagercoil.

Wednesday, the 8th day of May, 2024.

CrI.M.P. No.76/2024

(CNR.No.TNKK0V-000125-2024)

Micheal Raj . P S/o. Packia Raj (A2)

.. Petitioner

/Vs./

Sub Inspector of Police,
Kanyakumari Police Station,
Crime No. 274/2022 of Kanyakumari Police Station,
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru C. Vijay, u/s 438 Cr.P.C. praying to grant anticipatory bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

The petitioner/accused alleged to have been committed the offences u/s 465 and 420 of IPC.

The case of the prosecution is that the accused persons promised the defacto complainant to send him to foreign country with a good job with an expense of Rs.6,00,000/- and the defacto complainant paid the amount, but the accused persons have cheated him. Hence the charge.

The learned counsel for the petitioner submitted that nothing had happened as alleged in the FIR and he is in no way connected with the offence and the co-accused/A1 was granted anticipatory bail by the Principal Sessions Judge, Nagercoil in CrI.M.P. No.4513/2023, dated 28.08.2023 and A3 was also granted anticipatory bail and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that this petitioner and two other accused started a private limited company to supply manpower to abroad. The defacto complainant paid Rs.6,00,000/- to the A1 and he gave a flight ticket to the defacto complainant, that flight ticket is a fake one. Again on 29.03.2022, A1 gave another one flight ticket and that ticket also fake one and the investigation is not yet over and A1 was already granted anticipatory bail in CrI.M.P. No.4513/2023 and in the event of considering this application, the same condition may be imposed.

Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the fact that the co-accused/A1 was granted anticipatory bail by the Principal Sessions Court, Nagercoil in CrI.M.P. No.4513/2023, dated 28.08.2023 and also considering the fact that the case is of the year 2022 and by this time, the major portion of the investigation would have been completed, this court is inclined to grant anticipatory bail to the petitioner/accused with conditions.

In the result, in the event of arrest or on his appearing before the court concerned the petitioner is ordered to be enlarged on anticipatory bail on his

executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.I, Nagercoil subject to the following conditions:-

1. The petitioner shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioner shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
3. The petitioner shall also make himself available before the respondent as and when required.
4. The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioner shall not leave the jurisdictional police limit without prior permission.

If there is any violation of condition, the Investigation Officer is with in his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in open court this the 8th day of May, 2024.

Vacation Sessions Judge.

To
The Judicial Magistrate No.I, Nagercoil. (through e-mode)
The Sub Inspector of Police, Kanyakumari Police Station.
(through court cell e-mode)
The counsel for the petitioner.

