



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Seventh day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21541 of 2015

1 SURESH
2 SUDHA

... PETITIONERS

Vs

State of TamilNadu rep.by
THE INSPECTOR OF POLICE
CYBER CRIME CELL,
TRICHY DISTRICT.

... RESPONDENT

For Petitioner : M/S K.PRABHAKAR Advocate

For Respondent : Mr.K.Anbarasan, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused in Crime No.64 of 2014 on the file of the respondent police apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 66 (c), 84(B) of Information Technology Amendment Act of 2008 r/w 420, 419 and 109 of I.P.C., and hence, seeks anticipatory bail.

2.The case of the prosecution is that one Jegan Chandran contacted the de-facto complainant brother and informed him that he is eligible to be employed in Oman Dry Dock Company and he has asked whether he knows anybody as HR Assistant. The de-facto complainant's brother suggested the de-facto complainant's name. The said Jegan Chandran interviewed the de-facto complainant and his brother over phone and asked them to deposit money. Subsequently, he did not get any appointment and could not contact him. On contacting the company in Oman, they came to know that the person, who talked to the de-facto complainant and his brother, misused the name of the company and cheated them. Therefore, complaint has been registered for offence under Sections 66(c), 84(B) of Information Technology Amendment Act of 2008 r/w 420, 419 and 109 of I.P.C., in Crime No.64 of 2014.

3.The learned counsel for the petitioners submitted that the first petitioner is running a Airtel retail outlet under the name and style of SSS & Co., in Coimbatore and the second petitioner is an employee of the first petitioner. He further submitted that they used to sell sim cards, after the person submitting the application with self attested photographs, proof of signature and address proof and if any discrepancies are noted in the proof documents, the same will be sent to the Airtel service centre and the same will be verified by them and after submitted that the petitioners have not committed any offence as alleged by this prosecution and they are innocent.



4.The learned Public Prosecutor submitted that the accused persons purchased the sim cards from the petitioners' shop and misused the sim card and cheated various persons that they are the representative of Oman Dry Dock Company and the investigation is pending.

5.The learned counsel for the petitioner submitted that A1 to A3 were already arrested and released on bail.

6.The first petitioner is running a Airtel shop and the second petitioner is an employee and they have issued sim cards on receiving application with self attested photographs and ID proof and the same has to be verified only by the Airtel Service Centre to activate the sim card. Considering facts and circumstances of the case and also considering the facts that the co-accused A1 to A3 were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Trichy and on each of them 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 Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders and the second petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
07/12/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, TRICHY
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
CYBER CRIME CELL, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.PRABHAKAR Advocate SR.No.70308

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ORDER
IN
CRL OP(MD) No.21541 of 2015
Date :07/12/2015