

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.987 of 2019

PETER

[PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
PONDICHERRY.
CRIME NO.5 OF 2018.

For Petitioner : M/S.E.ANBARASAN Advocate

For Respondent : MR.D.BHARATHACHAKKARAVARTHY
Public Prosecutor for Pudhucherry

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested on 23.06.2018 for the offence under Sections 120b, 489-A, 489-B, 489D, 379, 406, 409, 465, 468, 471 IPC and Sec.66-C & D of Information Technology Act r/w 34 IPC in Crime No.5 of 2018 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner / A3 along with other accused have prepared fake ATM cards with the help of Magnetic Stripe Reader and withdrawn the amount without the knowledge of original account holders of ATM cards. Hence, a complaint is registered as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the co-accused /A2 had already been granted bail by this Court in CrI.O.P.Nos.27417 and 27291 of 2018 dated 11.12.2018. Investigation is almost completed and charge sheet is also filed. Accordingly, prays for grant of bail.

4.The learned Public Prosecutor for Pondicherry appearing for the State would submit that though the co-accused enlarged on bail, petitioner is A3 and the alleged A2 is the A1 in FIR only and not ranked as A2 in the charge sheet. A1 to A3 have active participation in the said allegation. Totally there are 642 fake ATM cards involved in this case in different places including Coimbatore, and as of now, only two cards were identified and the accused have to be investigated for the remaining 640 cards. Hence vehemently opposed for grant of bail.

5.Considering the gravity of the offence committed by the petitioners and also considering the fact that the investigation is not yet completed and there is no change of circumstances, I am not inclined to grant bail to the petitioner.

6.Accordingly, the Criminal Original Petition stands dismissed.

-sd/-

11/01/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
PONDICHERRY

2 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET,
PUDUCHERRY

3 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
PONDICHERRY

CC to M/S.E.ANBARASAN Advocate on payment of necessary charges

CRL OP.987/2019

Date :11/01/2019

cm 21/01/2019