

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.5296 of 2019

NAZIR ALI @ RAKESH SHAW @ [PETITIONER / ACCUSED]
SAGAR YADAV @ BIKY SINGH,

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
CYBER CRIME CELL,
CBCID, EGMORE, CHENNAI
CR.NO.2 OF 2018.

For Petitioner : M/S.J.KARTHIK Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded judicial custody on 29.10.2018 at the hands of the respondent police for the offences punishable under Sections 420 IPC and Section 66 (c) and 66 (d) of Information Technology (Amendment) Act, 2008 @ Sections 419, 465, 468, 471, 120(b) and 511 of IPC in Crime No.2 of 2018, seek bail.

2.Heard both sides.

3.The case of the prosecution is that the defacto complainant received a message on 23.09.2011 to his mobile that he won dollar 850,000.00 through BBC Global Fortune Program. He also received various mails from different mail Id's and on continuation they demanded and insisted the defacto complainant to pay money for various processing fees. As per their instructions the defacto complainant deposited the amount of Rs.62,97,300/- thereafter the defacto complainant did not get any prize amount. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is from West Bengal and he knows only hindi and the defacto complainant is from Cuddalore and there is no chances of the petitioner talking to the defacto complainant and cheating him because he knows only hindi language. Hence, he prays for grant of bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that the this is a case of online lottery fraud. The complainant is from Cuddalore who was contacted by the petitioner and other accused through different mail Ids and phone numbers in different names and made the complainant to deposit amounts in various banks located at Maharashtra, Madhya Pradesh, Uttar Pradesh and Rajasthan. The complainant had deposited a sum of Rs.62,97,300/- to get the winning lottery reward of 8,50,000 pounds. After depositing the above said amount he was not given the reward. The complainant then realized that he was cheated by the fraudsters. Hence, he vehemently opposed to grant bail to the petitioner.

6. On perusal of the records, it is seen that Earlier, the petitioner's bail application was dismissed by this Court on 21.12.2018 on merits and considering the fact that there is no change of circumstances. Subsequent to the order of dismissal passed by this Court and taking into account the antecedents of the petitioner herein, who has been arrested and remanded to the judicial custody, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this criminal original petition is dismissed.

-sd/-

27/04/2019

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 STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CYBER CRIME CELL,
CBCID, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAR

CC to M/S.J.KARTHIK Advocate on payment of necessary charges
SR.NO.

CRL OP.5296/2019

Date :27/04/2019

RD 07/05/2019