

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A. D. JAGADISH CHANDIRA**

CrI.O.P.No.15727 of 2020

- 1.Bhavankumar
S/o.Sasikumar
- 2.Ezhilarasan
S/o.Muthukumar
- 3.Vasanthkumar
S/o.Nivas
- 4.Vimalkumar
S/o.Iyyappan
- 5.Raghul
S/o.Ramesh

... Petitioners

Vs.

State Represented by,
The Inspector of Police,
Kodungaiyur Police Station,
Chennai District.

Crime No.1164 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to
to enlarge the petitioners on bail in the event of their arrest in Crime
No.1164 of 2020 on the file of the respondent police.

For Petitioners	: Mr.U.Gokulakrishnan
For Respondent	: Mr.M.Mohamed Riyaz, Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419 and 420 IPC read with 66D of Information Technology Act, 2000 in Crime No.1164 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vignesh is that the accused posted advertisement in Facebook market place that they were supplying mobile phones. Based on the advertisement, the defacto complainant transferred an amount of Rs.1,95,000/- to the accused; whereas, they have neither re-paid the amount nor supplied the phones and thereby cheated him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are friends of A1 and A1 is the person who has posted advertisement in the face book market place. He further submit that since the petitioners are friends of A1 and they have been falsely

implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are friends of A1 and A1 had posted advertisement in Facebook Market place that they were supplying mobile phones for lesser price. Based on the advertisement, the defacto complainant transferred an amount of Rs.1,95,000/- to the accused and thereby, they cheated him. Hence, he opposed to grant bail to the petitioners.

5. Taking into consideration the facts and submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of this order is made ready, the

petitioners shall execute a separate 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 Metropolitan Magistrate No.X, Egmore, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7.With the above directions, this Criminal Original Petition is ordered.

06.10.2020

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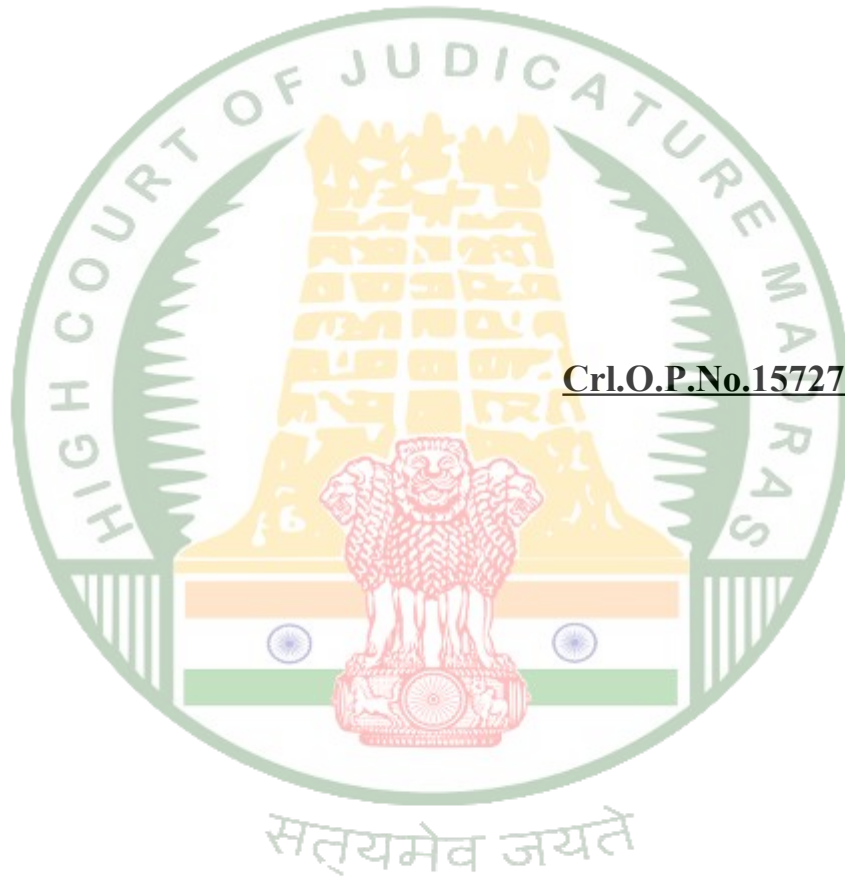
To

- 1.The Metropolitan Magistrate No.X, Egmore.
- 2.The Inspector of Police,
Kodungaiyur Police Station,
Chennai District.
- 3.The Public Prosecutor, High Court, Madras.

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A. D. JAGADISH CHANDIRA, J.

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