



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.12562 of 2021

WEB COPY

S. Thameem Ansari
S/o. Sowkathali

... petitioner

Vs.

State rep by
The Inspector of Police,
M-1, Madhavaram Police Station(Crime Branch)
Madhavaram, Chennai
(Crime No.1120 of 2021)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail the petitioner in the event of arrest in connection with Crime No.1120 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.A. Saravanan

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420 of IPC r/w 66 D of Information Technology Act in Crime No.1120 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner instructed the defacto complainant to watch the you tube channel by paying some subscription fees. He has also promised that the subscription fee will be returned back twice the amount he had paid. Thereafter he failed to return even the actual amount paid by the defacto complainant. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. On instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000,- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant.



4. Heard the submissions made by the learned Government Advocate (Crl.Side).

5. Considering the fact that the petitioner is ready to deposit the amount of Rs.5,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif Cum Judicial Magistrate Court, Madhavaram, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand Only) to the credit of Cr.No.1120 of 2021 before the District Munsif Cum Judicial Magistrate Court, Madhavaram within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate shall disburse Rs.3,000/- to the defacto complainant under due acknowledgement.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

22/07/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION (CRIME BRANCH),
MADHAVARAM, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges SR.NO.7640

CRL OP.12562/2021

Date :22/07/2021

INBA 30/07/2021