



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.22413 of 2021

1 MALLAIYA [PETITIONERS / ACCUSED]
2 CHANDRASEKAR
3 NAVEEN
4 SUDHAKARAN
5 SIVA
6 SURYA
7 MOHANPRABHU
8 SATHISHKUMAR
9 GUNASEKARAN
10 PRABHU

Vs

THE STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
CCD-II,
SALEM POLICE STATION.
(CRIME NO.19/2021)

For Petitioner : M/S.AGD BALA KUMAR Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

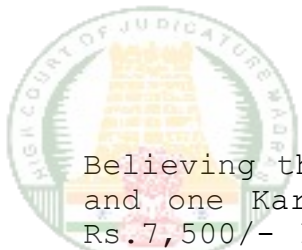
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 25.09.2021 for the offences under **Sections 66(D) of Information Technology Act and Section 420 of IPC** in Crime No.19 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant received a SMS on 27.08.2020 from Mobile No.97110 41982 stating to contact for installing 4G Wi-FI tower in their vacant land.



Believing the same, the defacto complainant contacted the said number and one Karthi attended the call and told that initially a sum of Rs.7,500/- has to be paid to one Hariharan's A/c.No.28798100002296, Bank of Baroda, Tiruppur Branch, to register the land for installing the tower. Thereafter, the defacto complainant was insisted to pay a sum of Rs.75,000/- for getting NOC. Thereafter, on several occasions, the defacto complainant paid amounts to the said account and even after obtaining a sum of Rs.6,92,000/-, the 4G Wi-Fi tower was not installed. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are only daily wages labourers and they have not committed any offence as alleged by the prosecution and that they have not obtained any amount from the defacto complainant. He would submit that the petitioners have been falsely implicated in this case and they have been suffering incarceration for more than 60 days from 25.09.2021 and hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioners have involved in same nature of offence in other districts also and if they are released on bail, they would abscond and the investigation would be stalled.

5.On seeing the grave nature of offence and that the investigation has not been completed, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
26/11/2021

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 INSPECTOR OF POLICE,
CCD-II, SALEM POLICE STATION,
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.AGD BALA KUMAR Advocate on payment of necessary
charges

CRL OP.22413/2021

Date :26/11/2021

TA-02/12/2021