

**Crl.OP.No.24605 of 2021****T.V.THAMILSELVI, J.**

Today, the matter is listed under the caption “for being mentioned” at the instance of learned counsel for the petitioner.

2. Heard learned counsel for the petitioner.

3. Considering the submissions made, this Court directs as follows:

Paragraph Nos.5 and 7(a) and 7(c) of the order dated 17.12.2021, passed in Crl.OP.No.24605 of 2021, shall be read as:

“ 5. The learned counsel, on instructions, submits that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.20,000/-** to the credit of the crime number on the file of the respondent police;”.

7(a). the petitioners shall deposit a sum of **Rs.20,000/-** (Rupees **Twenty thousand Only**) to the credit of Cr.No.183 of 2021 within a period of four weeks from the date of receipt of copy of this order before the learned Judicial Magistrate No.1, Erode.



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**T.V.THAMILSELVI, J.**

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7(c). the 1st and 3rd petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and the 2nd petitioner shall report before the respondent police as and when required for interrogation;

4. Registry is directed to carry out necessary corrections and issue fresh order copy.

**04.01.2022**

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Note: Issue Order copy on 07.01.2022.

Crl.OP.No.24605 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

Crl.O.P.No.24605 of 2021

1. Prabakar,  
S/o.Natarajan
2. Haritha Gajapathy,  
W/o.Gajapathy
3. Gajapathy,  
S/o.Chakravarthi

.. Petitioner

Vs.

The State represented by  
The Inspector of Police  
Erode North Police Station,  
Erode.  
Crime No.183 of 2021

...Respondent

**Prayer:** Criminal Original Petition filed under Section 438 of Cr.P.C.,  
praying to grant anticipatory bail to the petitioners in the event of their arrest  
in Crime No.183 of 2021 pending on the file of the respondent.

For Petitioner : M/s.S.Jayaseelan

For Respondent : Mr.A.Gokula Krishnan  
Additional Public Prosecutor



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**ORDER**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 420 and 481 of IPC in Crime No.183 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the the petitioners along with others who are running I-Net Secure Labs Pvt Ltd, Arumbakkam, Chennai have lured the defacto complainant who is running a Computer and consultant centre. via an Ad in a Tamil News Paper and Website for starting E-SEVA Centre and by arranging to get permission from the Central Government. In this connection, the petitioners have received an amount of Rs.23,000/- via cheque for getting E-centre licence and further Rs.1,48,300/- for the equipments. Later, the defacto complainant has found that all the services which they have promised are available in Central Governments Website and he has been cheated by the petitioners by misusing the digital India Logo. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners have received the cheques from the defacto complainant is true, but, denied the other allegations . He further submits that the website, [www.digitalindia.gov.in](http://www.digitalindia.gov.in) owned by the Government of India, allows anyone and everyone to download and use the said logo for any legitimate purposes like business or trade. He further submits that the first petitioner/A1 who is COO of I-Net Secure Labs Pvt Ltd and the third and second petitioners/A5 and A4 are husband and wife who are partners of the said company and they have a company at Arumbakkam, Chennai and there is no chance of absconding. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) vehemently opposed for granting anticipatory bail to the petitioners that the petitioners will tamper the witness.



5. The learned counsel, on instructions, submits that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.20,000/-** to the credit of the crime number on the file of the respondent police and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submits that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of **Rs.20,000/-** will be returned to him.

6. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the fact that the petitioners are ready to deposit the amount of **Rs.20,000/-** to the credit of the crime number on the file of the respondent police and the petitioners having company at Arumbakkam, hence, there is no chance for absconding, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from



the date of receipt of a copy of this order, before the *learned Judicial Magistrate No.1, Erode* 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 petitioners shall deposit a sum of **Rs.20,000/- (Rupees Twenty thousand Only)** to the credit of Cr.No.183 of 2021 within a period of four weeks from the date of receipt of copy of this order before the learned Judicial Magistrate No.1, Erode. On such deposits being made, the learned Judicial Magistrate No.1, Erode shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of **Rs.20,000/-** deposited by the petitioners to the credit of Cr.No.183 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

[b] the petitioners 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 petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners are 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.

**17.12.2021**

Vv

**T.V.THAMILSELVI, J.**



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Vv

To

1. The Judicial Magistrate No.1,  
Erode
2. The Inspector of Police  
Erode North Police Station,  
Erode.
3. The Public Prosecutor,  
High Court, Madras.

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**17.12.2021**



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