



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.246 of 2021

Arasammal

... Petitioner/Unnamed Accused

Vs

The State rep.by
The Inspector of Police,
Thuvakudi Police Station,
Trichy District.
Crime No.1065/2020

... Respondent/Complainant

For Petitioner : Mr.G.R.Satish,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

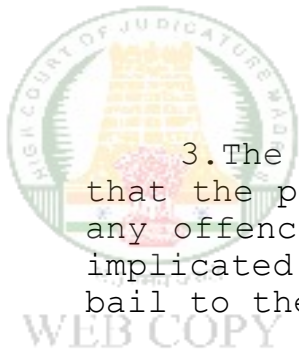
PRAYER :-

For Anticipatory Bail in Crime No.1065/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC and Section 66 D of the Information and Technology Act, 2000 in Crime No.1065 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that some unidentified persons had hacked the email ID of NIT College and thereby created an advertisement as if the college is going to fill up some vacancies for which they have arranged job opportunity. By creating such mail communication in the name of the college, the accused persons have cheated a huge amount from the individuals and they have also cheated the college by hacking the college email ID. Hence the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the investigation is pending.

5.It is seen the petitioner is a college student studying in Indira Gandhi College, Trichy. The Registrar in-charge of National Institute of Technology, Trichy lodged the complaint stating that some unknown persons had downloaded the emblem and other features of the college and created an advertisement as if there is job opportunity in the college and thereby collected huge amount. It is further seen that there is no complaint from affected persons and the petitioner herein is a college student and recently gave birth to a baby. No amount has been credited to her account

6.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate VI, Trichy, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall appear before the respondent Police as and when required for interrogation;

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

(d)the petitioner 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 petitioner in accordance with law as if the conditions were breached 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;

(f)if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
29/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE No. VI, TRICHY.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION,
TRICHY DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.G.R.SATISH Advocate SR.No.2684

ORDER
IN
CRL OP(MD) No.246 of 2021
Date :29/03/2021

GNS
TK/VR/07.04.2021/3P/6C