



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10243 of 2021

S.Chithirai Sekar

... Petitioner/Accused
(Rank not Known)

Vs

The State rep.by
The Inspector of Police,
CCD-III (Cyber Crime)
Kanyakumari District
Crime No.1 of 2021

... Respondent/Complainant

For Petitioner : Mr.A.KESAVAN,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 468 IPC and Section 66D of Information Technology (Amendment) Act 2008, in Crime No.1 of 2021, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner and other accused have created a Website namely, Villagedevelopmentoffice@gmail.com, cheated the de-facto complainant and others by giving false promise to get job in the Government organisation and also received a sum of Rs.1,05,000/- from the de-facto complainant.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and only the other accused committed the offence and this petitioner is not having any other previous case.

4.The learned Government Advocate (Crl. Side) for the respondent submits that the said website has been opened through the account of this petitioner by the other accused.



5.The learned counsel for the petitioner disputed the same that the petitioner is not well-versed in computer operation and he is ready to deposit a sum of Rs.50,000/- to the credit of Crime No.1 of 2021 to show his bonafide.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that the petitioner offered to deposit a sum of Rs.50,000/- to the credit of Crime No.1 of 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.1 of 2021 before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[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]**;

[g] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/09/2021

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/ /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.III
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
CCD-III (CYBER CRIME)
KANYAKUMARI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10243 of 2021

Date :14/09/2021

SA/PN/SAR.4/23.09.2021/3P/5C