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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.1552 of 2022

1. R.Vivek
2. Mohamed Umar
3. Lasser Rajesh

...Petitioners

Vs.

State rep. by
Deputy Superintendent of Police,
CBCID, Cyber Crime Cell,
Chennai.
(Crime No.11 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No. 11 of 2021 dated 22.11.2021 on the file of the Respondent Police.

For Petitioners: M/s.A.Mohamed Ismail

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 16.12.2021 for the offences under Sections 419, 420 of IPC and 66C & 66D of the Information Technology Act, 2000, in Crime No. 11 of 2021 , on the file of the respondent police, seeks bail.

2. The case of the prosecution is the petitioners' company namely M/s.Itrope Technologies Pvt. Ltd. in which the petitioners are directors were involved in illegal activities of technical support scams by operating a call centre. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and



that the petitioners have been suffering incarceration for more than 40 days from 16.12.2021 Hence, he would pray for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that the accused persons misrepresented normal system output as signs of problems and offered services to rectify them and thereby, induced the users to pay for such bogus services. Further, they cheated the user / customers and public at large and to extorted money under the garb of fraudulent services. Moreover by obtaining remote control/access of victims computers, the accused persons also commit data theft, identity theft and transmit computer contaminants, viruses and caused damages to the victims' computers/internet enabled devices. He would submit that the accused are neither connected with the complainant nor authorized by the complainant in any manner or capacity whatsoever to approach the complainant's customers or any other consumers. Hence, he would vehemently oppose for grant of bail.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the 1st petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) as non refundable deposit through demand draft to the credit of Ramakrishna Math, No.31, Ramakrishna Math Road, Mylapore, Chennai-600 004, and the 2nd petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) as non refundable deposit through RTGS/ NEFT/Demand Draft in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch and the 3rd petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) as non refundable deposit either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/ Authorised Officer, Government Hospital, Chennai" for the purpose of treating COVID-19 patients, without prejudice to their defence before the trial Court, and on proof of such deposit, each of the the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned XI Metropolitan Magistrate, Saidapet, Chennai, from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;



(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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(d) the petitioners shall report before the respondent police daily at 10.30 a.m. for period of two months and co-operate for the investigation and thereafter, as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

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

-sd/-

25/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XI METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.



4 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, CYBER CRIME CELL,
CHENNAI-600 008.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 RAMAKRISHNA MATH,
NO.31, RAMAKRISHNA MATH ROAD,
MYLAPORE, CHENNAI-600 004.

7 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE), ADYAR,
CHENNAI - 600020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

8 THE MEDICAL SUPERINTENDENT/ AUTHORISED
OFFICER, GOVERNMENT HOSPITAL, CHENNAI.

+1 CC to M/S.A.MOHAMED ISMAIL Advocate on payment of necessary
charges SR.NO.1133

CRL OP.1552/2022

Date :25/01/2022

RW 27/01/2022