



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9241 of 2022

Abdul Azeez

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.40 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, pending investigation in Crime No.40 of 2022 on the file of the respondent.

For Petitioner : M/s.M.Kruthika

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested on 17.02.2022 for the alleged offences under Sections 120B, 420 of IPC, Sections 20, 21, 25, 4 of Telegraph Act and Sections 3, 6(1) of IWT Act and Sections 66C, 66D of Information Technology Act, in Crime No.40 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 17.02.2022 and remanded before the judicial custody on the next day, for the above said alleged offences. The investigation indicates that this petitioner in connivance with the other accused has been running a fake BSNL exchange by converting international call into local call and had caused loss to the BSNL to the tune of Rs.2.5 crore.



3. Learned Additional Public Prosecutor appearing for the respondent states that few of the accused are still absconding and the investigation is pending whereas the learned counsel for the petitioner states that since the petitioner is in prison for more than 60 days and the final report is not filed, the petitioner is entitled for default bail under section 167(2) of Cr.P.C.

4. Taking note of the submission made by the learned Additional Public Prosecutor that considering the gravity of the offence, the investigation is likely to be transferred to the State Cyber Crime for further investigation and nearly 500 Sim cards were recovered from this petitioner, this Court is inclined to grant bail to this petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakh only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Vellore.

(b) 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;

(c) the petitioner is directed to report before the Investigating Officer twice daily at 10.30 a.m. and 05.00 p.m. until further orders.

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

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-sd/-
22/04/2022

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 JUDICIAL MAGISTRATE,
NO.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SATHUVACHARI POLICE STATION,
VELLORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.VIVEKANANTHAN Advocate on payment of necessary charges SR.NO.6064

CRL OP.9241/2022

Date :22/04/2022

JPA 25/04/2022