



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11367 of 2022

CARTHIGUEYANE

[PETITIONER / ACCUSED]

Vs

STATE OF REP BY ITS
THE INSPECTOR OF POLICE,
CYBER CRIME CELL,
CBCID, NO.220, PANTHEON ROAD,
EGMORE, CHENNAI-8.
(CRIME NO.3/2018)

[RESPONDENT]

For Petitioner : M/S.VIMAL B.CRIMSON Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offences under Sections 420, 465, 467, 468 and 471 of I.P.C in Crime No.3 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. There are totally five accused persons in this case in which the petitioner is arrayed as A5. The case of the prosecution is that the petitioner along with other accused ordered to purchase cellphones from the defacto complainant's Company by producing a Bank Guarantee. On the receipt of the Bank Guarantee, the defacto complainant supplied cellphones to the tune of Rs.2,00,00,000/- (Rupees Two Crores Only) to A1 Company. On receipt of the entire cellphones, the accused persons failed to settle the said amount. On verification of the Bank Guarantee, revealed that it was fabricated one and as that the defacto complainant cannot realise the amount for the cellphones. Hence the complaint.



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3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A5 and he is associated with the A1 Company. Though the respondent/Police issued a notice under Section 41(a) of Cr.P.C., in the year 2018, he failed to appear before the respondent/Police. Initially, the case has been registered by the City Crime Branch, Chennai and thereafter, the entire investigation has been transferred to the file of the respondent/Police in Crime No.3 of 2018. However, the respondent/Police did not secure the petitioner till date and the investigation is still pending. Insofar as the other accused are concerned, they were arrested and subsequently released on bail.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate for CBCID cases, Egmore, Chennai, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

[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 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.

-sd/-

18/05/2022

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 METROPOLITAN MAGISTRATE
COURT FOR CBCID CASES, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CYBER CRIME CELL, CBCID,
NO.220, PANTHEON ROAD,
EGMORE, CHENNAI-8.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.VIMAL B.CRIMSON Advocate on payment of necessary charges SR.NO.7205

CRL OP.11367/2022

Date :18/05/2022

CSK 19/05/2022