



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12635 of 2022

GRACY CLAUDY LOBO

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE
CYBER CELL POLICE STATION,
PERAMBALUR,
PERAMBALUR DISTRICT
CRIME NO. 6 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.SHANKAR 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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 66-D of Information Technology Act, 2000 and 420 of IPC in Crime No.6 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, believing the words of his face book friend that he will arrange for a job, send gold and dollar, has sent Rs.4,44,200/- to the persons viz., Manoj Kumar, Pamso Zimik and also to this petitioner. Later he came to know that he was cheated by them. Hence, the complaint.

3.The learned counsel appearing for the petitioner has submitted that the petitioner, on the promise made by one Harry Nelson that he will arrange for her Visa to United Kingdom, has opened bank accounts and sent all the bank details to him. When the petitioner checked the accounts, she found that there were number of transactions, in which, she was not at all involved and when she decided to withdraw the



amount, she was informed that the account was already freezed. Finally, she came to know that Harry Nelson was a fake person who misused her bank account to cheat the gullible persons and hence she lodged a complaint on 26.07.2021 with the Station House Officer, Charpek Police Station, Section No.2, Kandivali West, Mumbai and the same is pending investigation. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) for the respondent would submit that due to the cheating committed by this petitioner along with other accused, the defacto complainant has lost a sum of Rs.4,44,200/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances and that the crime of the year 2021 and the personal interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

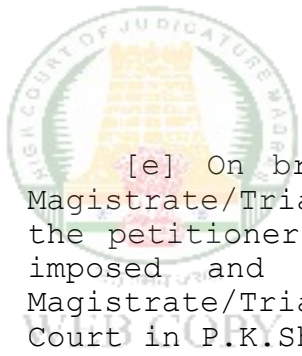
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1 Court, Perambalur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which, one shall be a blood relative surety, 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 conditions 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. for a period of two weeks and thereafter 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
10/06/2022

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.I, PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CYBER CELL POLICE STATION,
PERAMBALUR, PERAMBALUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SHANKAR Advocate on payment of necessary charges
SR.NO.8845

CRL OP.12635/2022

Date :10/06/2022

JPA 16/06/2022