



Crl.O.P.No.16750 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 403, 406, 420 and 506(i) IPC and Section 66C of Information Technology Act, 2000, in Crime No.16 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused cheated the defacto complainant to the tune of Rs.2,66,66,972/-. The first accused is an authorized agent/trader of Duty Credit Scripts like ROSCTL, MEIS, SEIS, buying and selling licences to various traders in the market and they have been in the business and in the course of business on 14.10.2020, the defacto complainant had appointed the first accused as an authorised agent to receive the aforesaid amount through DGFT KEY and for the purpose raised an Invoice No.ASH/ROSC TL/004/2020-21. However, the first accused even prior to their appointment as an agent, misused their Digital Key and cheated the defacto complainant.



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3. The learned counsel for the petitioner submitted that the petitioner is innocent and no other previous complaint against him and he never indulged in the above said crime. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner misappropriated huge sum of money from the defacto complainant's agency by using password and key and involved in cheating. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are two accused in this case, the petitioner is arrayed as second accused. The entire allegations as against the first accused is that through the DGFT Key, the first accused with the help of second accused cheated the defacto complainant to the tune of Rs.2,66,66,972. That apart, the defacto complainant also filed suit which is pending. Further, initially FIR has been registered as against the first



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accused and thereafter the defacto complainant filed a petition under Section 200 Cr.P.C, thereby, the petitioner is also implicated as an accused.

6. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate-1, Tiruppur, 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:



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[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 Morning at 10.30 a.m and Evening 5.30 p.m until further orders 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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