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Crl.O.P.No.23068 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23068 of 2022

Madhankumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi.
(Crime No.395 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail arrested by the respondent police in
Crime No.395 of 2022, on the file of the Inspector of Police, T-7, Tank
Factory Police Station, Avadi.

For Petitioner : Mr.R.Harinath

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.08.2022, for the offences punishable under Section 420 of IPC and 66B, 66D of Information Technology Act in Crime No.395 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner induced the defacto complainant to invest in online trading business and made her to invest a sum of Rs.6,06,000/- and had cheated her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a case of money recovery has been falsely projected as a case of online cheating. He would also submit that the petitioner is in custody for the past 52 days. He would further submit that the very fact that there is no other complaint as against the petitioner. He would also state that it is only a case of money dispute. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner in the guise of conducting online business, induced the defacto complainant to invest an amount of Rs.6,06,000/- and cheated her. He would also submit that the petitioner has also projected various fancy schemes inducing the defacto complainant. He would further submit that there is no other complaint as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that there is no other complaint as against the petitioner and that the petitioner is in custody for the past 52 days i.e., from 19.08.2022, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Ambattur Judicial Magistrate, Ambattur**, and on further conditions that:

[a] 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 05.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[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 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



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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.

10.10.2022

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To

- 1.The Ambattur Judicial Magistrate, Ambattur.
- 2.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi.
3. The Puzhal Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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