



Crl.O.P.No.23273 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.23273 of 2022

P.Manohar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
E-1, Mylapore Police Station,
Chennai - 04.
(Crime No.334 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.334 of 2022, pending
on the file of the respondent Police.

For Petitioner : Mr.Harihara Arun

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.08.2022, for the offences punishable under Sections 379, 420, 465,



Crl.O.P.No.23273 of 2022

467, 468 & 471 of IPC and Section 66 r/w 43 of IT Act, 2000, in Crime No.334 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Deputy Branch Manager, IOB Bank, Santhome Branch, Chennai - 04 is that the accused by fixing skimmer and hidden camera in the ATM machine of their Bank, had collected the details of the customers in the ATM centre and attempted to cheat the Bank and the customers also. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since he happens to be the father of the main accused/A1. He would also submit that other than dropping A1 in the ATM centre, he has not done anything and he was not aware of the activities of his son. He would further submit that the petitioner was arrested on 17.08.2022 and he is in custody for more than a month. He would also submit that other than the allegations of stealing the data, there is no allegations as if the petitioner's son has withdrawn money using the data. Therefore, he prays for grant of bail to the



Crl.O.P.No.23273 of 2022

petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is arrayed as A2 in this case and he along with his son/A1 had gone to the ATM Centre run by the defacto complainant and by fixing skimmer and hidden camera, attempted to steal the data belonging to the customers from the ATM Centre. He would further submit that the investigation is pending and there is a likelihood of the case being transferred to CCB for further investigation. Therefore, 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 of the case, the submissions made by the learned counsel and also taking note of the fact that the A1 is still absconding and there is no previous case as against the petitioner and also the petitioner is in custody from 17.08.2022, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.23273 of 2022

WEB COPY

7. Accordingly, **the petitioner is directed to deposit the original title deeds of immovable property worth Rs.20,00,000/- (Rupees Twenty Lakhs only)** either belonging to himself, relatives or friends to show his bonafide and on such deposit, 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 local sureties**, each for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate, Saidapet, Chennai - 15**, 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] **in the event of the case being transferred to CCB for further investigation, the petitioner shall report before the Inspector of Police, CCB, daily at 10.30 a.m., and 05.30 p.m., until further orders;**

[d] the petitioner shall not abscond either during



Crl.O.P.No.23273 of 2022

investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

26.09.2022

rgi

To

1. The XVIII Metropolitan Magistrate, Saidapet, Chennai - 15.
2. The Sub-Inspector of Police,
E-1, Mylapore Police Station,
Chennai - 04.
3. The Central Prison,
Puzhal, Tiruvallur District.
4. The Public Prosecutor,
High Court of Madras.

5/6



WEB COPY



Crl.O.P.No.23273 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.23273 of 2022

26.09.2022