



WEB COPY



CrI.O.P.No.26635 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

CrI.O.P.No.26635 of 2022

Prabhu Deva

... Petitioner

Vs.

State Rep by,
Station House Officer,
CCD-II,
Cuddalore Police Station.
(Crime No.3 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.3 of 2022 on the file of
the Station House Officer, CCD-II, Cuddalore Police Station.

For Petitioner : Mr.Jerry V.V. Sundar

For Respondent : R.Vinothraja
Government Advocate (CrI.side)



Crl.O.P.No.26635 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2022 for the offences punishable under Sections 419 and 420 of IPC and Section 66 D of IT Act in Crime No.3 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused hacked the account of the *de-facto* complainant's company Viz., M/s. Jitha Air Line Travels and had booked 5 air tickets to the tune of Rs.1,48,461/- and cheated the *de-facto* complainant. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he is an employee of A1. The petitioner on the instructions and believing A1 had booked the tickets as per his directions. Other than that the petitioner has not done any offence. From the account of A1, an amount of Rs.15,000/- has been transferred to the petitioner and based on that, the petitioner has been implicated in this case. He would further submit that the



Crl.O.P.No.26635 of 2022

petitioner is in judicial custody from 13.10.2022 and that the respondent police has also not taken police custody. Therefore, further judicial custody of the petitioner may not be required in this case since everything is borne out by documents and hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is a professional hacker and on behalf of A1, he had hacked the account of the *de-facto* complainant's company and had booked tickets to the tune of Rs.1,48,461/- and cheated the *de-facto* complainant. He would further submit that the investigation is pending. Hence, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.



CrI.O.P.No.26635 of 2022

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)** with **two sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate – III, Cuddalore District** 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 everyday at 10.30 a.m. for a period of four weeks and thereafter on every Saturday at 10.30 a.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



CrI.O.P.No.26635 of 2022

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.

03.11.2022

mpl



WEB COPY



Crl.O.P.No.26635 of 2022

A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate-III, Cuddalore District.
2. The Station House Officer,
CCD-II,
Cuddalore Police Station.
3. Central Jail,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.26635 of 2022

03.11.2022