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Crl.O.P.No.28595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

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

Crl.O.P.No.28595 of 2022

Saurav Thakur @ Saurath Tahore

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Cyber Crime Police Station (CCD-II),
Salem District.
(Crime No.18 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.18 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.M.Vignesh

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 26.10.2022 for the offences punishable under Section 420 of IPC and Section 66D of Information Technology Act in Crime No.18 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant one Dr.Kirubakaran is running a hospital in the name and style of “Sri Jayam Hospital”. While so, the accused, who is running a online trading, had cheated the defacto complainant to the tune of Rs.80,50,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since there was some transfer of amount between the main accused and the petitioner. Other than that, there is no other nexus between the petitioner and the main accused. 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 would submit that the petitioner is an associate of the main accused and in the guise of running an online trading, they had induced the defacto complainant and cheated to the tune of Rs.80,50,000/- and thereafter, transferred the amount to various accounts. He would submit that the petitioner is the resident of Delhi. Thereby, if bail is granted to the petitioner, there is every possibility of the petitioner to be absconded. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, learned counsel for the petitioner would submit that the petitioner is aged about 23 years and he has been roped in this case on the ground that an amount of Rs.5 Lakhs has been transferred to his account by the main accused. However, without prejudice, the petitioner is prepared to deposit an amount of Rs.5 Lakhs to the credit of Crime No.18 of 2022. The petitioner is ready and willing to furnish the proof of residence at the time of furnishing sureties and that his relatives are ready to stand as sureties.



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6. Heard both the learned counsel and perused the materials available on record including the First Information Report.

7. Taking into consideration of the fact that the petitioner is prepared to deposit an amount of Rs.5,00,000/- to the credit of Crime No.18 of 2022 and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner shall deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs only) to the credit** of the Crime No.18 of 2022 and on such deposit and production of proof, 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**, out of which, one surety should be a blood related surety, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.VI, Salem** 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;



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[b] the petitioner shall furnish the proof of his permanent residence at the time of furnishing sureties;

[c] the learned Magistrate shall verify and satisfy himself with regard to the proof of permanent residence produced by the petitioner, at the time of furnishing sureties;

[d] the amount deposited by the petitioner shall be re-deposited in any of the Nationalised Bank in an Interest bearing Fixed Deposit Scheme and orders regarding return shall be passed at the end of the Trial;

[e] the petitioner shall report before the respondent police every day at 10.30 am for a period of four weeks and thereafter every Saturday at 10.30 am until further orders;

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

[g] the petitioner shall not tamper with evidence



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or witness either during investigation or trial;



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A.D.JAGADISH CHANDIRA., J.

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[h] 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]**;

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

30.11.2022

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To

1. The Judicial Magistrate VI,
Salem.
2. The Inspector of Police,
Cyber Crime Police Station (CCD-II),
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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