IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

Crl.O.P.No.29692 of 2022

Ajithkumar ... Petitioner

Vs.

State by
The Inspector of Police,
S.H.O.C.C.D Cuddalore P.S.
(Crime No:11 of 2021) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in Crime No.11 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.G.Prabhakaran

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 11.11.2022, for the offences punishable under Sections 419 & 420 of IPC and Section 66D of IT Act, in Crime No.11 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Thangadurai who is working as a Company Executive is that he had received a call and certain particulars were taken from him with regard to his credit card. Further allegation is that the person who had called him had informed him that he is the customer care manager from SBI and told him that some verifications have to be done. Based on that, the *de-facto* complainant had given his details, later the *de-facto* complainant was asked to reveal his OTP number and he had revealed his OTP. As such, an amount to the tune of Rs.52,512/- was withdrawn from his account and he was cheated. Hence the case.

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. He would submit that the petitioner is a B.Sc. Computer Science graduate and he was employed in one Company named Loan Manthra through one Manigandan. As the employers did not paid his salary for 3 months, the petitioner had left the Company in the year 2021. He had worked there only for 3 months and during such time, the scam has been committed by the owners of the Company without the knowledge of the petitioner. He would submit that the petitioner is ready and willing to cooperate with the respondent for the investigation. He would submit that the petitioner is presently working in L & T Finance and that even as per the prosecution the offence is stated to have been committed during the year 2021. He would reiterate that the petitioner is ready and willing to cooperate with the respondent for the investigation and he is ready to abide by any stringent conditions that may be imposed on him. Hence, he prays 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 member of the Company which has committed large scale scam by receiving information of the ATM cards and credit cards from their card holders, have swindled Crores of

rupees. He would further submit that the investigation is pending and hence, he vehemently 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.

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,** 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 10.00 a.m., 12.00 noon, and 6.30 p.m., for a period of 30 days and thereafter on everyday 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 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.

01.12.2022

mpl

A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate III,
   Cuddalore.
2. The Inspector of Police,
   S.H.O.C.C.D Cuddalore P.S.
3. Central Prison,
   Cuddalore.
4. The Public Prosecutor,
   High Court of Madras.

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