



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3290 of 2022

Vellaipandi

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Cyber Crime Police Station,
Virudhunagar,
Crime No.8 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

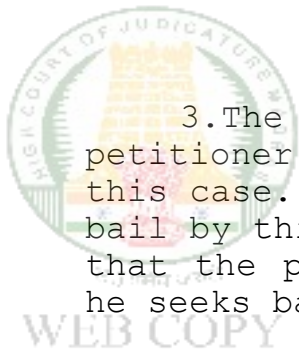
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For the Bail in Crime No.8 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 28.01.2022 for the offences punishable under Sections 468, 471 and 420 of IPC and Section 66 D of Information Technology (Amendment) Act, 2008 INF C, in Crime No.8 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.10.2021, the petitioner and other accused approached the de-facto complainant and told that they were coming from Chozha Finance Company and offering loan for lesser amount and requested the de-facto complainant to arrange 12 persons and they were also offered Rs.1,00,000/- to each members and collected documents and subsequently, the de-facto complainant paid Rs.29,400/- in the Overseas Bank Account No.358201000001250, which belonged to one Jamunarani, on 11.10.2021 for getting loan, but however, neither provided loan nor repaid the said amount to the de-facto complainant.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would further submit that A1 has already been granted bail by this Court in Crl.O.P.(MD)No.20102 of 2021 on 10.01.2022 and that the petitioner is in judicial custody from 28.01.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having some previous cases under IPC offence.

5.Considering the facts and circumstances of the case and also the facts that A1 has already been granted bail by this Court, that the first accused has already deposited the amount involved as per the directions of this Court and that the petitioner is in judicial custody from 28.01.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 the learned Judicial Magistrate No.I, Virudhunagar.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of thirty days and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/02/2022

/ TRUE COPY /

16/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
CYBER CRIME POLICE STATION, VIRUDHUNAGAR,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-1169[I] dated
16/02/2022)

ORDER
IN
CRL OP(MD) No.3290 of 2022
Date :16/02/2022

SJI
MK/VR/SAR.II/16.02.2022/3P/7C