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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Reserved on : 08/09/2022

Delivered on : 16/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15434 of 2022

Subhojit Kumar Roy, ... Petitioner/Accused No.1
Vs.

State Rep.by
The Inspector of Police,
Cyber Crime Police Station,
Thoothukudi.
(Crime No.14/2022).

... Respondent/Complainant

Gunasekaran, ...Petitioner/Intervenor
/Defacto Complainant
in Cr1 MP(MD)No. 10818 OF 2022

For Petitioner : Mr.T.Lajapathi Roy, Advocate.

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

For Intervenor : Mr.K.Anand, Advocate
in Cr1 MP(MD)No. 10818 OF 2022

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

PRAYER :-

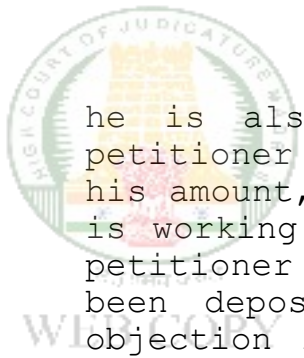
For Bail in Crime No.14/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 07.08.2022, in Crime No.14 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and others impersonating as Bharat Petroleum authorities created Website in the name of Bharat Petroleum in the Google Social Media, inviting dealership and collected a total sum of Rs.1,29,500/- from 13.09.2021 onwards and they misappropriated the amount and cheated the defacto complainant.

3. On the side of the petitioner, it is stated that the <https://www.technoexponent.in/> is working in Techno Exponent, he is only a web designer,



he is also a victim to the case. The mobile number of the petitioner was given in the website. There was no transaction in his amount, higher than Rs.1,50,000/-. The sister of the petitioner is working as Dentist and she is ready to stand as a surety. The petitioner is ready to deposit 50% of the amount alleged to have been deposited in his account and the petitioner is having no objection in the defacto complainant withdrawing the amount. The petitioner is in custody for the past 32 days and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioner and others created the website in the name of Bharat Petroleum and host advertisement in the social media, calling application for dealership. Rs.60,00,000/- was credited into the account of A2, even after receiving summon, the petitioner created another Website after abandoning, the other websites, already created by them under the caption "Fuel.in". The petitioner is a resident of West Bengal and there is a chance for him to abscond and fly away from the clutches of law.

5. By way of reply, on the side of the petitioner, it is stated that this petitioner is no way connected with the case. He found out that there was some mistake in the G.S.T. Number and in the account number of the Petroleum Company and he informed A2, that the account was suspended and that there was some problem with the GST number and with the address provided by him. The petitioner got only the charges for his computer service, which is below Rs.10,000/-, he was innocent and prayed the petitioner to be released on bail.

6. Copy of the mail transactions between the petitioner and the other accused was annexed along with the petition. It is seen that the mobile number of the petitioner was used for the commission of the offence. It is seen that most of the mail transactions were deleted. Admittedly, the petitioner has created the website. The petitioner is a resident of West Bengal and there is a chance for him to abscond. The investigation was not yet over.

7. Considering the nature of the offence and considering the overt act against the petitioner, this Court is not inclined to release the petitioner on bail at the present stage.

8. Hence, this petition is dismissed.

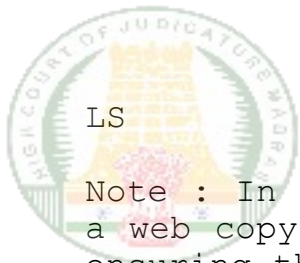
sd/-

16/09/2022

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/09/2022

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



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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 INSPECTOR OF POLICE
CYBER CRIME POLICE STATION, THOOTHUKUDI.
- 2 THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI, THOOTHUKUDI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15434 of 2022

Date :16/09/2022

PKP/SBN/SAR-2/21.09.2022/3P/4C