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

Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16507 of 2022

Muthukumar

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Cyber Crime Police Station,
Ramanathapuram,
(Crime No. 8 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu.S, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

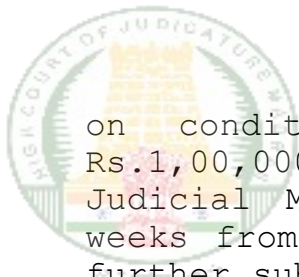
For Anticipatory Bail in Crime No.8 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC and Section 66(D) of IT Act, in Cr.No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, by giving false promise, induced the de-facto complainant to invest a sum of Rs.6,60,000/- in share market and after giving some profit amount, cheated the de-facto complainant.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition for anticipatory bail in Crl.O.P.(MD)No.9190 of 2022 and the same was allowed by this Court



on condition that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.8 of 2022 before the learned Judicial Magistrate No.1, Ramanathapuram within a period of two weeks from the date of receipt of a copy of that order. He would further submit that the petitioner was not in a position to mobilize the amount, he has filed a modification petition before this Court in CrI.M.P.(MD)No.6466 of 2022 and the same was dismissed by this Court. Therefore, the petitioner is constrained to file the above application.

4.The learned Additional Public Prosecutor would submit that by giving false promise, the petitioner induced the de-facto complainant to invest a sum of of Rs.6,50,000/- in share market and thereafter, cheated the de-facto complainant. He would further submit that a sum of Rs.3,00,000/- has been recovered from the petitioner and the balance amount of Rs.3,50,000/- is yet to be recovered from him.

5.Considering the above facts and circumstances and also considering the facts that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.8 of 2022 before the learned Judicial Magistrate No.1, Ramanathapuram, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions before the trial Court. If the petitioner fails to deposit the said amount, the anticipatory bail granted to the petitioner will be cancelled.

[c]the petitioner shall report before respondent police on every Wednesday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.



[e]the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

[f]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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

14/09/2022

/ TRUE COPY /

/09/2022

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

SJI

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,
RAMANATHAPURAM.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SARVAGAN PRABHU.S Advocate SR.No.9979

ORDER

IN

CRL OP(MD) No.16507 of 2022

Date :14/09/2022