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

Date : 10/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.19405 of 2022

Archit Goyal

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Cyber Crime Police Station,
Theni, Theni District.
(Crime No.19/2021).

... Respondent/Complainant

Athirsta Raja

... Petitioner/Defacto-
Complainant
(in Crl.M.P. (MD) No.13684/2022)

For Petitioner : M/s.Rajesh Saravanan B, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : M/s.S.Prabha, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.19/2021 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 offence under Section 420 IPC and Section 66 D of IT Act, 2008, in Crime No.19 of 2021, seeks anticipatory bail.



2.The case of the prosecution is that the de-facto complainant has registered the details in WWW.tradeindia.com and WWW.exportersindia.com for the purpose of publishing the Palm Oil under its own brand on the Trade India website. At the time, the petitioner, who was a Public Manager in that company, contacted the de-facto complainant through Whats-app saying that he would buy a Palm Oil at low price through a company called Trade Investment Group formed by the petitioner and he cheated by getting Rs.60,45,000/- from the de-facto complainant and the petitioner has similarly cheated many persons. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that since A1 was already released on bail by the learned Judicial Magistrate, Theni, he was unable to produce proper sureties and the petitioner was doing service in Trade India.com and Director of Malaysian Company Tian Mao Company limited and the said company was requested to make personal website in the name of <https://hismarresources.com> by purchasing and hosting the domain from godaddy.com. The petitioner has only created to the website as per the direction of the said company and he has only received a sum of Rs.68,500/- as service charge. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioner has cheated the de-facto complainant and received a sum of Rs.60,45,000/- from him and he is from Uttar Pradesh and he has similarly cheated many persons. He would further submit that the investigation is still pending and the petitioner is the master mind behind the entire transaction and the custodial interrogation of the petitioner is required in this case. Hence, he prayed for dismissal of this petition.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the gravity and nature of the offence and also considering the fact that the petitioner is the master mind behind the entire transaction and also the fact that the custodial interrogation of the petitioner is very much necessary in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-

10/11/2022

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/11/2022

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



To

1. THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
THENI, THENI DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAJESH SARAVANAN B Advocate SR.No.54549

ORDER

IN

CRL OP (MD) No.19405 of 2022

Date :10/11/2022

SP/SSS/SAR III/23/11/2022/3P/4C