



WEB COPY

CRL OP(MD). N



22

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

Date : 28/11/2022

PRESENT

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

CRL OP(MD). No.20042 of 2022

Sneha,

... Petitioner/Accused No.3

Vs

The State Rep. by,
The Inspector of Police,
Cyber Crime Police Station III,
Trichy District. (Crime No.22/2022).

... Respondent/Complainant

For Petitioner : M/s.Pitchai Muthu M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.22/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 468 & 471 of IPC r/w Section 66C & 66D of Information Technology (Amendment) Act, 2008, in Cr.No.22 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant received a email from hr@holyfaithhospital.com by saying that the medical officer job opportunity is available in the Holy Faith Multispeciality Hospital at united states with attractive salary. Believing the same, he had sent a sum of Rs.1 crore 17 lakh to <https://www.holyfaithhospital.com> bank accounts on various occasions. But, he has not given

<https://www.holyfaithhospital.com>



with any job. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He is ready to abide any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that totally 3 accused are involved in this case. The petitioner is arrayed as A3. A1 & A2 belong to Nigeria Country and they are absconding. 164 statement of the petitioner was recorded and 2 witnesses have been examined in this case. He would further submit that the prosecution is going to treat the petitioner as a witness.

5.Considering the facts and circumstances of the case and also considering the facts that the prosecution is going to treat the petitioner as a witness, 164 statement of the petitioner was already recorded and 2 witnesses have been examined in this case, this Court is inclined to grant anticipatory bail to the petitioners 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.5, Trichy District, 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:

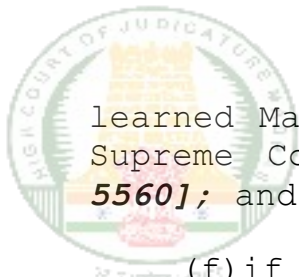
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 imposed and the petitioner released on bail by the



learned Magistrate/Trial Court himself as laid down by the Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/11/2022

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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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.5,
Trichy District..
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Cyber Crime Police Station III,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.20042 of 2022
Date : 28/11/2022

TR/SSS/SAR-I (07.12.2022) 3P 5C