BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21643 of 2022

Yuvaraj ... Petitioner/Accused Rank No.2

Vs

The State Rep.by
The Inspector of Police,
Cyber Crime Police Station,
Madurai District
(Crime No.74 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Vishnu.J,
Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.74 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 43(i), 66 and 66(c) of IT Amendment Act and Section 420 IPC in Crime No.74 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Vignesh, is that the first accused is his friend and the second accused Yuvaraj is the friend of the first accused. The accused had induced the de-facto complainant to open zero balance account in IDFC First Bank and believing the same, the de-facto complainant had given his details for opening the account. The de-facto complainant has also recommended opening accounts for three of his friends and thereafter, they have not operated the accounts. Later, they came to know that some fraudulent transactions have been done in their accounts and the accused have done the fraudulent transactions. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is working as an employee in the IDFC First Ba[illegible]na Nagar Branch, Madurai and he had in the usual course business, canvassed the customers to open zero balance account and the first accused and his friends had approached the petitioner and they have opened the account, other than opening the account, the petitioner has nothing to do with the alleged transactions stated to be done with those accounts. He would further submit that the petitioner was summoned by the respondent police under Section 41-A of Cr.P.C. and the petitioner has appeared in person and he has also handed over his Smart Phone to the respondent police for the purpose of investigation. He would further submit that the petitioner is only an employee of the IDFC First Bank Limited and he has no bad antecedents and he is regularly attending the bank work. He would further submit that the petitioner is ready to co-operate with the respondent police in any kind of investigation.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is a bank staff and he is the friend of A1. The petitioner and A1 have induced the de-facto complainant and his friends to open zero balance account in the IDFC First Bank. Believing the same, the de-facto complainant and the other victims have opened zero balance accounts. In that application, the petitioner has given wrong mobile numbers and using the same, have transacted huge amounts in their accounts. He would further submit that the investigation is going on and that the respondent police are finding out what is the nature of cheating done in those accounts. However, he would also submit that the petitioner on service of summons, had appeared for the purpose of enquiry. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions and that the petitioner has appeared for enquiry and also handed over his smart phone to the respondent police for investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.1, Madurai, on condition that the petitioner shall execute bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one should be a blood related surety) each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition 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 as and when required for interrogation.

[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 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].**

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

sd/-
15/12/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
CYBER CRIME POLICE STATION, MADURAI DISTRICT

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

+1 CC to M/s.J.VISHNU, Advocate (SR-15040[I] dated 16/12/2022)

ORDER
IN
CRL OP(MD) No.21643 of 2022
Date :15/12/2022

SJI
PKP/MMS/SAR 1/30.12.2022/3P/6C