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Crl.O.P.No.916 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.916 of 2023

1. Ramesh

2. Mohammed Haaris

3. Mohammed Thoufiq

... Petitioners

Vs.

The State represented by,
S.H.O. CCD II District,
Cuddalore Police Station.

Crime No.47 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with Crime No.47 of
2022 on the file of the respondent Police.

For Petitioners : Mr.A.Madhan

For Respondent : Mr.S.Vinoth Kumar



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Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.11.2022, for the offences punishable under Sections 419 & 420 of IPC r/w 66 D Information Technology Act, 2008, in Crime No.47 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused under the guise of selling mobile phone to the de-facto complainant, have committed online fraud by receiving money from the de-facto complainant through OLX website and cheated him. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners were roped in as scape goats. He also stated that the petitioners are in custody from 25.11.2022 and they are ready to comply with any stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent submitted that the petitioners under the guise of selling mobile phone had committed online fraud. He further submitted that the petitioners have received money from the de-facto complainant through OLX website and cheated him by not selling mobile phone not return his money. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate III, Cuddalore**, and on



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further conditions that:

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(a) 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 petitioners shall appear before the respondent Police on alternative days at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***; and;



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

12.01.2023

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To

1. The Judicial Magistrate,
Cuddalore District
2. S.H.O. CCD II District,
Cuddalore Police Station,.
3. The Sub Jail,
Ramanathapuram.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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