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CrI.O.P.No.6150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.6150 of 2023

Hidherali

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Kondalampatty Police Station,
Salem District.

(Crime No.100 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.100 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023, for the offences punishable under Sections 4, 20, 21, 25 of Indian Telegraph Act, 1885, 66C, 67A of Information Technology (Amendment) Act, 2008 and Sections 420, 120B of IPC, in Crime No.100 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, Jayakumar, who is working as a Nodal Officer, Bharati Airtel Limited, is that the accused by misusing the SIM cards issued by the Bharati Airtel Limited, had run a illegal telephone exchange, in which, he converted foreign call to a local call and thereby, cheated the de-facto complainant and caused loss to his Company as well as to the Government. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that all the equipments used in alleged offence have been seized by the respondent Police. He also submitted that the petitioner is in custody from 14.02.2023 and he is ready to abide by any



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stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the accused, by misusing the SIM boxes issued by the Bharati Airtel Limited, run an illegal exchange and caused loss to the Government as well as to the de-facto complainant's Company. He further submitted that no previous case is pending as against the petitioner and also submitted that the petitioner is a native of Kerala and therefore, if bail is granted to the petitioner, there is every possibility of him, to abscond and it would be difficult to secure him again. Therefore, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.10 lakhs, before the Court concerned. Therefore, he prayed to grant bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.10 lakhs to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.10 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.100 of 2023**, without prejudice to his rights and contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.V, Salem**, and on further conditions that:



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[a] the petitioner should produce the proof for his permanent residence before the learned trial Judge concerned;

[b] 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;

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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]*;



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

17.03.2023

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To

1. The Judicial Magistrate No.V,
Salem.
2. The Sub-Inspector of Police,
Kondalampatty Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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