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Crl.O.P.No.17509 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.17509 of 2023

Sanaullah

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
District Crime Branch,
Vellore District.
Crime No.11 of 2021

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.11 of 2021 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

For Intervenor : Ms. B.Aparna



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.06.2023 for the offences punishable under Sections 419, 420 of IPC read with Section 66C of Information Technology Act, 2000 in Crime No.11 of 2021 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in Crime No.11 of 2021 registered for the offences under Sections 419, 420 of IPC read with Section 66C of Information Technology. The allegation made against the petitioner is that, he assisted A1 & A2 in creating the Email ID and through it, he helped A1 & A2 in removing the defacto complainant from partnership firm. He further submitted that, main accused A1 and A2 were granted anticipatory bail, mainly for the reason that, allegations made in the FIR shows that the dispute is with regard to business transactions. Petitioner is in Judicial Custody from 21.06.2023. Thus, he seeks bail to the petitioner.



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3.The learned counsel appearing for the defacto complainant/intervenor opposes the petition on the ground that, petitioner helped A1 & A2 for creating fake Email -ID and through that, removing the defacto complainant from the partnership firm and taking GST input tax credit to the tune of Rs. 7 lakhs. Thus, he strongly opposed this petition.

4. The learned Additional Public Prosecutor concurs with the submission of the learned counsel appearing for the defacto complainant and seeks dismissal of this petition.

5. The FIR allegations in brief shows that, accused after knowing that, defacto complainant's father-in-law promised the defacto complainant and her husband for providing Rs.25 lakhs for starting a business, lured the defacto complainant and her husband to lend the money and then invest the money in the business. For the business, there was an agreement that, defact complainant has 25% share and the accused Mahalakshmi has 75% share. However, in the business, what



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was promised has not taken place. Defacto complainant suffered huge loss. Out of Rs.1,25,00,000/- due to the defacto complainant, accused had repaid only Rs.30 lakhs.

6. *Prima Facie* allegations made in the FIR shows that, in a monetary transaction between the parties relations to business venture, some how or other, business had not taken off, as desired by the defacto complainant. Now, complaint is given claiming cheating. This Court in Crl.O.P.No.16747 of 2021 has granted anticipatory bail to A1 & A2. As already stated, the only allegations made against the petitioner is that, he had assisted A1 & A2 for creating fake Email -ID and through that, removing the defacto complainant from the partnership firm and taking GST input tax credit in it.

7. Considering the nature, facts and circumstances of the case and the petitioner is in Judicial Custody from 21.06.2023 and that the material part of the investigation might have been over by this time and also having regard to the fact that the allegations in this case have to be proved only by documentary evidence, further incarceration of the



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petitioner in the prison is not necessary. Thus, this Court is inclined to grant bail to the petitioner

5. Accordingly, petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Katpadi** and on further conditions that :-

[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 petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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.

11.08.2023

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To
1. Judicial Magistrate,



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katpadi.

2. Central Jail,
Vellore

3.The Inspector of Police,
District Crime Branch,
Vellore District.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.

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