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Crl.O.P.No.19761 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.O.P.No.19761 of 2023

V.Arun Kumar @ Arun

...Petitioner

Vs.

State Rep by
Inspector of Police,
Central Crime Branch 12,
Veppery, Chennai-600 007.
Chennai District.
Crime No.149 of 2014.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above said Crime No.149 of 2014 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Dineshkumar

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody through PT Warrant on 15.06.2023 for the offence punishable under Sections 419, 420, 467, 471, 120(B) of IPC and Section 66 of Information Technology Amendment Act, 2008 in Crime No.149 of 2014 on the file of the respondent police, seeks bail.

2.Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 419, 420, 467, 471, 120(B) of IPC and Section 66 of Information Technology Amendment Act, 2008 in Crime No.149 of 2014. Petitioner is in judicial custody from 15.06.2023. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, this is a case of cheating by withdrawing the amount by using skimmer machine by the accused in this case. The



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accused have used the skimmer machine and withdrew money from various account to the tune of Rs.13,62,500/-. This petitioner was working as employee in a Petrol Bunk. He withdrew a sum of Rs.92,000/-. The investigation in this case is completed and final report is filed, but not taken on file. However, he seeks for dismissal of this petition.

4. Considering the fact that, investigation in this case is completed and final report is filed, that petitioner was arrested only under PT warrant, that petitioner is in judicial custody from 15.06.202, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their 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 **Additional Metropolitan Magistrate Court, Special Cases for Central Crime Branch Cases, Egmore, Chennai** 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily morning 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.

[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.

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To

- 1.The Additional Metropolitan Magistrate Court,
Special Cases for Central Crime Branch Cases,
Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch 12,
Veppery, Chennai-600 007.
Chennai District.
- 3.The Central Jail,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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