



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/01/2023

PRESENT

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

CRL OP(MD) . No.72 of 2023

Riyas Ahamed

... Petitioner/Accused 2

Vs

The State Rep. by,
The Inspector of Police,
Cyber Crime Police Station,
Karur District.
(Crime No.2 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.Althaf Sheriff, Advocate
for M/s.Ajmal Associates,

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.2 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 30.10.2022, for the offence punishable under Section 420 of IPC r/w Section 66 D of Information Technology Act, 2008, in Crime No. 2 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have induced the defacto complainant to invest into trading, on the promise of giving more profit. Thereby, the accused persons had cheated a sum of Rs.64,81,846/-. Hence, the complaint.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. The petitioner was arrested on 13.10.2022 and he is in custody for more than 60 days. Till now, the respondent Police has not filed the charge sheet and therefore, the petitioner is entitled for statutory bail, under Section 167(2) Cr.P.C. Hence, prays to release him on statutory bail.

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4. The learned Additional Public Prosecutor would submit that it is a case, where the petitioner along with other accused have induced the defacto complainant to invest in online trading, on the promise of giving more profit and thereby, cheated him. However, he would also concede the fact that the petitioner is in custody from 13.10.2022 and as on date, charge sheet is not yet filed by the respondent Police.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court. It is seen that the petitioner is in custody from 13.10.2022, ie., more than 60 days and till now, charge sheet has not been filed by the respondent Police. Therefore, the petitioner is entitled for mandatory/statutory bail, under 167(2) of Cr.P.C., on the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Karur**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;



CRL OP/ML



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(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE OFFICER-INCHARGE,
SUB-JAIL, KARUR DISTRICT.
4. THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.479(F).

ORDER
IN
CRL OP(MD) No.72 of 2023
Date :04/01/2023

USK/VR/SAR-II/04.01.2023/3P/7C