



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/03/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3721 of 2023

Anbukarunakaran

... Petitioner/Petitioner/
Accused No.1

Vs

The State rep.by
The Inspector of Police,
Cyber Crime Police Station,
Thoothukudi.
Crime No.51/2022.

... Respondent/Respondent/
Complainant

For Petitioner : M/s.Saravanakumar S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.51/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 04.02.2023 for the offences under sections 419,420 of IPC and section 66 (D) of Information Technology Act in crime No.51 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner and other accused published an advertisement regarding the PROTONFOREX.Com company in the social media and on receiving the said advertisement in the face book the defacto complainant opened it and gave his phone number and e.mail and after that the petitioner contacted the defacto complainant by impersonating himself and told that it he deposit the amount he would earn more money. Believing the words of the accused persons, the defacto complainant deposited a sum of Rs.11,81,450/- on several instalments on various dated ,later the accused persons did not give amount deposited by the defacto complainant and cheated him, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated



in this case. He would further submit that there is delay of six months in lodging the complaint. He would further submit that there is no nexus between the petitioner and the defacto complainant and the petitioner had paid the money only through online and hence he was cheated by unknown persons. He would further submit that the petitioner is in judicial custody from 04.02.2023 and he has also paid a sum of Rs.10,00,000/- to the defacto complainant, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused alleged to have made advertisement in the facebook inviting deposit and received a sum of Rs.11,85,540/- from the defacto complainant on false promise to repay the amount deposited with huge amount and thereafter failed to return the amount. He would further submit that one complaint has been received from the defacto complainant and on enquiry it is found that the petitioner has also contact with other persons from other state, hence he objected to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report. Even according to the case of the prosecution only one complaint has been received from the defacto complainant in which the petitioner has also settled Rs.10,00,000/-.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner , subject to 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Thoothukudi and on further conditions that:

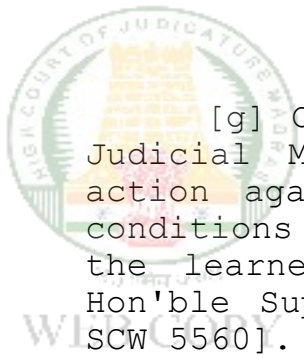
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M for a period of four weeks and thereafter as and when required for interrogation.

[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 while the investigation or trial.



[g] On breach of any of the aforesaid conditions, the 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].

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

sd/-

06/03/2023

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06/03/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
THOOTHUKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SARAVANAKUMAR S Advocate SR.No.3411

ORDER

IN

CRL OP(MD) No.3721 of 2023

Date :06/03/2023

SA/MMS/SAR. /06.03.2023/3P/7C