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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/03/2023
PRESENT

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

CRL OP(MD) . No.5480 of 2023

Ramkumar

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
Pudukottai Cyber Crime Police Station,
Pudukottai.
(Crime No.8/2023).

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar D,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.8/2023 on the file of the Respondent Police.

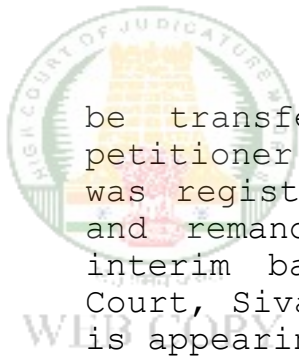
ORDER : The Court made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 of I.P.C. r/w 66D of Information Technologies Act, in Crime No.8 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Sim Card dealer and he sold Sim Card to the other accused persons, by using the said Sim Card, the other accused persons said to have sent fake SMS to the public and cheated the public by taken their amount from their bank account. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the petitioner is a Sim Card seller. He had sold out 22,732 Sim Cards of various phones such as Vodafone, Jio and Airtel. A1 and A2 have produced fake Aadhar Cards and purchased those Sim Cards from the petitioner. A1 and A2 were already arrested and remanded to judicial custody. A1 and A2 had sent fake messages to the public and if the public touch the message, their money will



be transferred directly from their account. Insofar as the petitioner is concerned, another FIR in crime No.10 of 2023 was registered by the Cyber Crime Police Station, he was arrested and remanded to judicial custody. However, he was released on interim bail till 30.03.2023 by the learned Principal District Court, Sivagangai in Cr.M.P.No.1267 of 2023, dated 15.03.2023 and he is appearing before the Cyber Crime Police Station.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.8 of 2023 before the learned Judicial Magistrate No.II, Pudukkottai, without prejudice to his rights and contentions.

7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Pudukkottai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 Cyber Crime Police Station, Coimbatore, daily at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police daily at 10.30 a.m. and 05.30 p.m., until further orders.

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

[d] the petitioner shall not abscond 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].



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

sd/-

24/03/2023

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/04/2023

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

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI DISTRICT.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PUDUKOTTAI CYBER CRIME POLICE STATION,
PUDUKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
COIMBATORE.

ORDER

IN

CRL OP(MD) No.5480 of 2023

Date :24/03/2023

RS/BUC/SAR.3/12.04.2023/3P/6C