



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

Date : 06/04/2023

PRESENT

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

CRL OP(MD) . No.6411 of 2023

M.Maruthupandian

... Petitioner / Accused No.3

Vs

The State represented by
The Inspector of Police,
Cyber Crime Police Station,
Thoothukudi District.
Crime No. 42/2022.

... Respondent / Complainant

For Petitioner : M/s.Anandharaj R, 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. 42 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A3 who was arrested and remanded to judicial custody on 07.03.2023 for the offences under sections 419,420 of IPC and section 66(D) of Information Technology Act in Crime No.42 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 03.7.2018 the petitioner along with other accused had cheated the victims by getting money in various ways on the basis of GST Tax and various other reasons claiming that the prizes will be given in a raffle for the purchase of household appliances, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there are totally three accused in this case and the petitioner herein is arrayed as A3. A1 and A2 used to



speak to various persons by selling household articles and asked the purchasers as if they will get bumper prizes and asked them to purchase the household articles and asked them to deposit the proportionate amount to the accounts which was given by the accused persons, likewise so far they have collected Rs. 14,28,860/- which were deposited by various victims. On receipt of the same, the accused persons failed to return any prize and they have also cheated them to the said tune. According to the petitioner he is only an acting driver and so far no amount has been received by him. Taking into consideration of the facts and submissions made by the learned counsels and also 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 5.30P.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].

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

sd/-

06/04/2023

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

AAV

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To

1.The Judicial Magistrate No.IV,
Thoothukudi.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Cyber Crime Police Station,
Thoothukudi District.

4.The Officer Incharge,
District Jail,
Perurani, Thoothukudi.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.ANANDHARAJ R, Advocate (SR-5503[I] dated 06/04/2023)

ORDER

IN

CRL OP(MD) No.6411 of 2023

Date :06/04/2023

ED/VR/SAR- (06/04/2023) 3P 7C