



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

Date : 18/04/2023

PRESENT

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

CRL OP(MD). No.7132 of 2023

Munirathinam

... Petitioner / Accused No.2

Vs

State By
The Inspector of Police,
Cyber Crime Police Station,
Thoothukudi, Thoothukudi District.
(Crime No.42/2022.)

... Respondent / Complainant

For Petitioner : M/s.Suresh Kannan.C, 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. 42/2022 on the file of the Respondent Police.

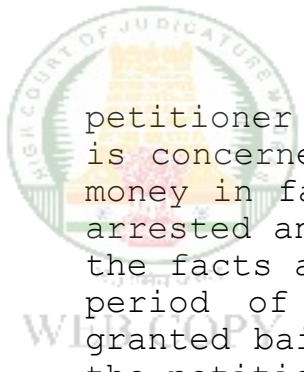
ORDER : The Court made the following order :-

The petitioner /A2 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 A2. According to the



petitioner he is only an acting driver and so far as the petitioner is concerned he had only induced the defacto complainant to deposit money in favour of the first accused. Further the first accused was arrested and remanded to judicial custody. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that co-accused was granted bail by this Court, 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 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., 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 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/-

18/04/2023

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18/04/2023

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



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, Thoothukudi District.

4.The Superintendent,
Central Prison,
Palayamkottai.

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

+1 CC to M/s.SURESH KANNAN.C, Advocate (SR-6019[I] dated 18/04/2023)

ORDER

IN

CRL OP(MD) No.7132 of 2023

Date :18/04/2023

ED/SSS/SAR- (18/04/2023) 3P 7C