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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7358 of 2023

A.Jayaraman

... Petitioner/Accused No.18

Vs

The State rep.by,
The Inspector of Police,
Cyber Crime Police Station,
Sivagangai,
Sivagangai District.
(In Crime No.10/2023).

... Respondent/Complainant

For Petitioner : M/s.Lourdu Raj.A,
Advocate.

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

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

PRAYER :-

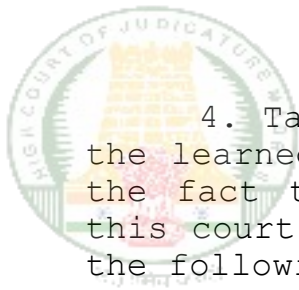
For Bail in Cr No.10/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A18 who was arrested and remanded to judicial custody on 04.03.2023 for the offences under sections 420 of IPC r/w.66(D) of Information Technology(Amendment) Act, 2008 @ sections 420, 120(b), 468,471, of IPC r/w.Section 66 (D) of I.T.(Amendment) Act and sections 20,21,25 of Telegraph Act,1885 in Crime No.10 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner who is a distributor of Vodaphone sim at Vaiyampatti, Trichy District along with other accused persons cheated and fraudulently executed sim cards and indulged in fraudulent activities through online, hence the case.

3. Heard both sides and perused the materials available on <https://www.mca.gov.in/> including the First Information Report.



4. Taking into consideration the facts and submissions by the learned counsels and also the period of incarceration and also the fact that the co-accused was released on 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai 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/-

20/04/2023

/ TRUE COPY /

20/04/2023

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

AAV

TO

1.THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE OFFICER IN CHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

4. THE INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.LOURDU RAJ.A, Advocate (SR-6246[I] dated 20/04/2023)

ORDER

IN

CRL OP(MD) No.7358 of 2023

Date :20/04/2023

RK/VR/SAR-(20/04/2023) 3P/7C