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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.8487 of 2023

1. Bharathi

2. Saravanan

... Petitioners/Accused

Vs

The State represented by  
The Inspector of Police,  
Cyber Crime (CCD III) Police Station,  
Pudukottai District.  
Cr.No.8/2023.

... Respondent/Complainant

For Petitioner : M/s. Jinnah.S.M.A,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.8/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 24.03.2023 for the offences punishable under Section 420 IPC and Section 66(D) of IT Act @ 420, 120(B), 468 & 471 of IPC, Section 66(D) of IT Act and Sections 20, 21 and 25 of Telegraphic Act in Crime No.8 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused have sent link message to the public and by selecting the link, cheated the public by deduction of amount from their bank account. Hence, the case.

3.On the side of the petitioners, it is stated that the petitioners are husband and wife and they are running Browsing Centre at Coimbatore. They are also doing online job works and some online work such as sending messages and link. At this juncture, the



petitioners received some online works from one of the accused to send some links to the mobile numbers given by him. The petitioners *bona fide* sent links to the mobile numbers given by him. Except this, they have not committed any offence as alleged by the prosecution. The co-accused were already granted bail and anticipatory bail and prayed the petitioners to be released on bail.

4. On the side of the prosecution, it is stated that there are twenty accused involved in this case and the petitioners are arrayed as A1 and A2. The third accused is in Delhi. A4 to A13 have supplied Sim cards to the petitioners. A14 to A20 are the workers under the petitioners. The petitioners have contacted A3 to receive bank details of the victims. The petitioners had sent link messages to the public and if the public touch the link, their money will be transferred directly to the accused. The petitioners are having two previous cases, which are similar in nature. A4 was already granted anticipatory bail and A5 to A13 were already granted bail.

5. Considering the submissions made by the learned counsels and also considering the period of incarceration undergone by the first petitioner, this court is inclined to grant bail to the first petitioner subject to the following conditions:

[a] Accordingly, the first 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 District without prejudice to her rights and contentions.

[b] On such deposit being made, the first 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.II, Pudukkottai District, and on further conditions that:

[c] 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.

[d] the first petitioner shall report before the respondent police daily at 10.30 A.M., until further orders.

[e] the first petitioner shall not commit any offences of similar nature.

[f] the first petitioner shall not abscond either during investigation or trial.

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

[h] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the



conditions have been imposed and the first 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].

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

6.Considering the seriousness and gravity of the offence levelled against the second petitioner, this Court is not inclined to grant bail to the second petitioner. Hence, this petition is dismissed in respect of the second petitioner is concerned.

sd/-

04/05/2023

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04/05/2023

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

SJI  
TO

- 1 THE JUDICIAL MAGISTRATE NO.II  
PUDUKOTTAI.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,  
SUB JAIL WOMEN PRISON, PARAMAKUDI.
- 4 THE SUPERINTENDENT, DISTRICT JAIL,  
RAMANATHAPURAM.
- 5 THE INSPECTOR OF POLICE  
CYBER CRIME (CCD III) POLICE STATION,  
PUDUKOTTAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.8487 of 2023

Date :04/05/2023

SS/BUC/SAR /04/05/2023/3P/7C