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CRL OP(MD).



23

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.8566 of 2023

A.Mariswar

... Petitioner/Accused No.19

Vs

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

... Respondent/Complainant

For Petitioner : M/s. Palani Velayutham.S,
Advocate.

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

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

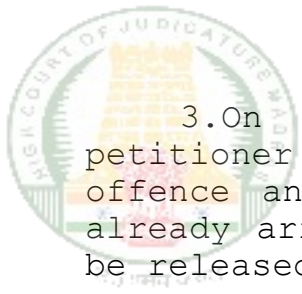
PRAYER :-

For Bail in Crime No.10 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A19, who was arrested and remanded to judicial custody on 04.03.2023 for the offences punishable under Section 420 IPC and Section 66(b) of Information Technology Act @ 420, 120(b), 468 and 471 of IPC, Section 66(D) of IT Act and Sections 20, 21 and 25 of Telegraphic Act in Crime No.10 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons cheated the general public and fraudulently executed Sim cards and associated for the fraudulent activities through online. Hence, the complaint.



3. On the side of the petitioner, it is stated the petitioner is innocent and he is no way connected with the alleged offence and he has been falsely implicated in this case. Al was already arrested and released on bail and prayed the petitioner to be released on bail.

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4. On the side of the prosecution, it is stated that the petitioner is working in Jio Reliance and by creating forged Aadhaar card, he supplied 400 fake Sim cards to the main accused. The petitioner is having two previous cases. The investigation was completed and the charge sheet was already filed before the learned Judicial Magistrate No.II, Sivagangai in C.C.No.273 of 2023.

5. Considering the submissions made by both sides and on considering the fact that the petitioner was in custody from 04.03.2023 onwards and also considering the fact that the investigation was already over and the charge sheet was already filed before the concerned Court, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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, 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 trial Court daily at 10.30 A.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/-

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

sj i

TO

1.THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
CYBER CRIME BRANCH,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

4 THE OFFICER IN CHARGE,
SUB JAIL,
SIVAGANGAI.

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

+1 CC to M/s.PALANI VELAYUTHAM.S, Advocate (SR-7175[I] dated
04/05/2023)

ORDER

IN

CRL OP(MD) No.8566 of 2023

Date :04/05/2023

RK/CG/SAR-(04/05/2023) 5P/7C