



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.05.2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD)No.8785 of 2023

Vinoth Kumar

... Petitioner/Accused No.5

Vs

State represented by
The Inspector of Police,
Cyber Crime Police Station,
Pudukkottai District.
(Crime No.08 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.Suresh Kannan, Advocate
For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.08 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded judicial custody on 25.03.2023 for the offences punishable under Sections 420, 120(b), 468, 471 IPC and Section 66(D) of IT Act and Section 20, 21, 25 of the Telegraphic Act in Crime No.08 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.11.2022, the defacto complainant received a SMS and link from one mobile number stating that his HDFC rewards will expires shortly. On the next day also he received the same message. Immediately, the defacto complainant touch the link and received OTP number and OTP number was put in the link. After few minutes, the defacto complainant received SMS from the Bank that Rs.24,418/- was debited from his account. Thereafter only he came to know that he was cheated. Hence, he lodged the present complaint.



3.The learned counsel for the petitioner submits the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the respondent submits that totally there are 20 accused involved in this case and the petitioner herein is arrayed as A5. All the accused persons are working in a browsing centre. All the sim cards were seized by the respondent police during investigation.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties(one blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Pudukkottai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the Inspector of Police, Vadavalli Police Station, Coimbatore on every Tuesday and Saturday at 10.30 a.m., for a period of three months and thereafter every Sunday at 10.30 a.m., for a period of another two months for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned 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]**.

(vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/05/2023

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17/05/2023

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

gns



TO

1 THE JUDICIAL MAGISTRATE NO.II, PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, CYBER CRIME POLICE STATION,
PUDUKOTTAI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI.

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

COPY TO

THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
COIMBATORE.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-7411[I] dated 17/05/2023)

ORDER

IN

CRL OP(MD) No.8785 of 2023

Date :17/05/2023

RS/MMS/SAR-(17.05.2023) 3P 8C