



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.8967 of 2023

1. Shanavas,

2. Umar Mohamed,

... Petitioners/Accused
Rank Not Known

Vs

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

... Respondent/Complainant

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

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.8 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded judicial custody on 24.03.2023 for the offences punishable under Sections 420 of IPC r/w.66(D) of IT Act @ 420, 120b, 468, 471 IPC r/w Section 66(D) of IT Act and Section 20, 21, 25 of the 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 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 petitioners submits the petitioner are innocent and they are working as Area Manager in a Reliance Jio Company and the petitioners never committed any offence as alleged by the respondent police.

4.The learned Additional Public Prosecutor appearing for the respondent submits that totally there are 20 accused involved in this case. All the sim cards were seized by the respondent police during investigation.

5.Taking into consideration the facts and circumstances of the case and also the fact that co-accused were released on bail and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties(of which one shall be a 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 petitioners shall report before the respondent police 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 another period of two months for interrogation;

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

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

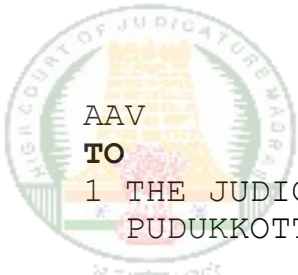
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18/05/2023

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19/05/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
CYBER CRIME (CCD III) POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.JINNAH.S.M.A. Advocate SR.No.7668 Dt.19/05/2023

ORDER

IN

CRL OP(MD) No.8967 of 2023

Date :18/05/2023

SA/CG/SAR. /19.05.2023/3P/7C