



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.8972 of 2023

Moorthi,

... Petitioner/Accused Rank Not Known

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar.K.P.,
Advocate.

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

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

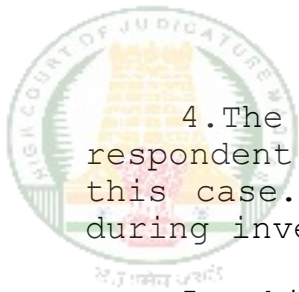
PRAYER :- For Bail in Crime No.8 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded judicial custody on 26.02.2023 for the offences punishable under Sections 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, 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 bank account was blocked. On seeing the SMS he clicked the lint and gave the ATM Card details in the above link, immediately after giving details a sum of Rs.24,000/- 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 that the petitioner is an innocent person and he is working as Distributor of Jio Network and the petitioner 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 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(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 petitioner 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 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.

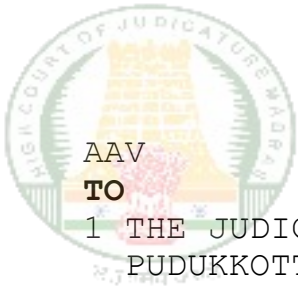
sd/-

18/05/2023

/ TRUE COPY /

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.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
CCD III CYBER CRIME POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.NARAYANAKUMAR.K.P. Advocate SR.No.7544

ORDER

IN

CRL OP(MD) No.8972 of 2023

Date :18/05/2023

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