



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11463 of 2023

1. C.Rajkumar,

2. R.Brindha Rani, ... Petitioners/Accused No.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Cyber Crime (Cell) Police Station,
Madurai City,
Madurai District.
Crime No.25 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Premkumar.S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.25 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 66D of the Information Technology (Amendment) Act 2008 and Section 420 of I.P.C., in Crime No.25 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have received a sum of Rs.8,00,000/- from the de-facto complainant, by giving false promise to get a foreign job and later, cheated him. Hence, the case.



3. Heard. Perused the materials available on record the First Information Report. 19

4. It is a case of job racketing and the petitioners have collected a sum of Rs.8,00,000/- only. Thereafter, the petitioners also returned a sum of Rs.6,50,000/- to the de-facto complainant. Further, the respondent police also freezed the petitioners' bank account. Therefore, the custodial interrogation of the petitioners do not require in this case.

5. The learned counsel for the petitioners would submit that the petitioners are ready and willing to pay the remaining amount of Rs.1,50,000/- to the de-facto complainant directly.

6. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] the petitioners shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) by way of demand draft drawn in favour of the defacto complainant directly and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner.

[c] on such payment of the said amount, the respondent police is directed to defreeze the petitioner's account, which was also frozen by the respondent.

[d] the first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police as and when required for interrogation;



[e] the petitioners shall not tamper with evidence or either during investigation or trial.



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

[g] 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].

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

sd/-

26/06/2023

/ TRUE COPY /

/07/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CYBER CRIME (CELL) POLICE STATION,
MADURAI CITY,MADURAI DISTRICT.
- 4 THE ADDITIONALPUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PREMKUMAR.S Advocate SR.No.9569

ORDER

IN

CRL OP(MD) No.11463 of 2023

Date :26/06/2023

MGJ(04.07.2023) 3P 6C