



CRL OP(MD)No.18561 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18561 of 2023

Mohammed Ebrahim

... Petitioner/ Accused No 24

Vs

State through
The Inspector of Police,
CCD-III, Viruthunagar
Crime No.2 of 2023

... Respondent/Complainant

For Petitioner : Mr.R.Vennila, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465 IPC and Section 66D II Act in Crime No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a contractor. When he was searching online job for his wife, one Swapna contacted him through telegram and one Shreya demonstrated that she is having part time job opportunities and she will pay Rs.5,000/-, if the aspirant is ready to do work for 4 to 5 hours. When the complainant asked about the nature of part time job, she told that the aspirants have to give reviews to 30 movies and the aspirants will be paid Rs.800/- to Rs.4,000/- after they given reviews. Accordingly, the complainant reviewed to 30 movies, for which, a sum of Rs.700/- was credited in his account on 07.02.2023. Likewise, a sum of Rs.13,000/- was credited in the complainant's account for the subsequent reviews. At this juncture, Shreya made the complainant to believe that if he pays money, he will be given premium tickets and if the complainant reviews movies under premium ticket, he will be given money 5 times more than the actual commission. As such, the complainant paid money on various occasions to the tune of Rs.8,51,570/- in the account given by the said Shreya.



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Thereafter, when the complainant attempted to visit the website, to his shock and surprise, the website address was changed from Imagine Entertainment to Amblin Entertainment. When the complainant contacted the said Shreya, she insisted the complainant to pay Rs.8,00,000/- in addition to the said amount. Thereafter, only the complainant came to know that it is an online fraud and no such company is there. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has not received any amount and he has not using any bank account for receiving money. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation in this case is pending.

5.Considering the nature of allegations levelled as against the petitioner and taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and



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Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residence at Chennai District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Virudhunagar on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned



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Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioner shall affix his photograph 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 his identity.

[b] the petitioner shall report before the trial Court on summons.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



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

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02/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

- 1.The Judicial Magistrate No.I,
Virudhunagar.
 2. Do through the Cheif Judicial Magistrate,
Virudhunagar district at Srivilliputhur.
 - 3.The Inspector of Police,
CCD-III, Viruthunagar.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1. CC to M/S.VENNILA R Advocate SR.No.15839



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ORDER
IN
CRL OP(MD) No.18561 of 2023
Date :02/11/2023

SSA/DD/(22.11.2023)/ 7P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.