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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22659 of 2022

Harish

... Petitioner/Accused
Rank Not known

Vs.

The State rep.by
The Inspector of Police,
CCD-III Police Station,
Trichy District.
(In Crime No.30 of 2022)

... Respondent/Complainant

For Petitioner : Mr.D.Jeya Karthick, Advocate

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.30 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused rank not known, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 420 IPC and Sections 66C, 66D, 84B of Information Technology (Amendment) Act 2008 INF C in Crime No.30 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, by name Charles Micheal Raj, is that he is working as English Teacher at Government Higher Secondary School, Onthamatti, Manapparai Taluk, Trichy District. On 01.10.2022, he received a call from one cell number i.e 8089063422 in which one person introduced himself as a staff of the office of the Superintendent of Police and intimated him that he had watched vulgar films in his mobile and that he



should deposit the amount through G-pay and thereby the defacto complainant had deposited money at two times, a sum of Rs.5000/- to the G-pay number 9384248464 and Rs.20,000/- to another G.Pay number 6383393115. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he had been roped into the present case since he happens to be the friend of one Madhavan, who is the classmate of the petitioner and he has called the defacto complainant from cell number 8089063422 and he has only threatened the defacto complainant and he has given the petitioner's phone number for payment through G-pay and thereby the amount was deposited to the petitioner's number and the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is studying B.Sc., in Hotel Management at Krishna College, Coimbatore and his parents are ready to stand as sureties to him.

4. The learned counsel for the petitioner would further submit that without prejudice to his rights and contentions, the petitioner is also ready to deposit Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of the crime number before the trial court to show his *bonafides*. Hence, prays to release the petitioner on anticipatory bail.

5. The learned Government Advocate (Crl.Side) submitted that the defacto complainant is a Government School Teacher and the petitioner has threatened and blackmailed him to deposit Rs.20,000/- (Rupees Twenty Thousand Only) into his account by saying that he has watched vulgar films in his mobile phone and by impersonation the petitioner claimed himself as the staff of the office of Superintendent Office. Hence, prays to dismiss the petition.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.V, Trichy**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which either the father or the mother of the petitioner shall stand as a surety, 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 shall deposit Rs.20,000/- (Rupees Twenty Thousand only) to the credit of crime No.30 of 2022 before the Judicial Magistrate No.V, Trichy;

[b] 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;

[c] the petitioner shall report before the respondent Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**; and

[g] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

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

CM

TO

1. THE JUDICIAL MAGISTRATE NO.V, TRICHY.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
CCD-III POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22659 of 2022

Date : 02/01/2023