2024:KER:59841

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946

CRL.MC NO. 4015 OF 2024

CRIME NO.40/2023 OF CYBER CRIME POLICE STATION, KOCHI CITY, ERNAKULAM

AGAINST THE ORDER DATED 02.04.2024 IN CMP NO.3590 OF 2024 OF CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

PETITIONERS:

1 VIPIN KUMAR MISHRA
AGED 21 YEARS
S/O. SANTHOSH KUMAR MISHRA, JAMALUDHEEN JOT, PADARI TARA, BAHRACH, UTTER PRADESH, PIN – 271882.

2 DHEERAJ KUMAR
AGED 36 YEARS
S/O. KAPIL DEV, KALYANPUR PIPI GANJ, KALYANPUR, GORAKHPUR, UTTER PRADESH, PIN – 273165.

BY ADVS.
DHANYA S NAIR
DELLA ABRAHAM

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,, PIN – 682031.

2 INSPECTOR OF POLICE
CYBER CRIME POLICE STATION, KOCHI CITY, PIN – 682042.

BY ADV,
SRI. NOUSHAD K. A. (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

CRL.M.C NO.4015 OF 2024

Dated this the 1st day of August, 2024

ORDER

Petitioners are accused 1 and 2 in Crime No.40/2023 of Cyber Crime Police Station, Kochi City. They are alleged to have cheated the defacto complainant of Rs.41,81,258/- by sending a Whatsapp message to the defacto complainant with the profile picture of the Managing Director of the company in which he is working and demanded an immediate transfer of the amount and after transfer of these amount has requested it was realized that the accused had impersonated the Managing Director using a false profile and committed the offence under Section 406, 419 and 420 of the IPC.

2. After the petitioners were arrested from Uttar Pradesh, consequent to tracing the bank accounts of them, it was realised that the 2nd accused had managed to procure as many as 48 Adhaar cards and 47 PAN cards and other ID proofs of several persons. When the application for bail was preferred before the trial court,

the learned Magistrate granted bail after imposing stringent conditions, one of which directed that the petitioners shall appear before the investigating officer on all Mondays and Thursdays between 10 am and 1 pm till the final report is filed. Petitioners challenge the aforesaid condition and submits that it is too onerous and confines them to Ernakulam itself.

3. Sri. Noushad K.A., learned Public Prosecutor on the other hand contended that such a stringent condition is necessary considering the peculiar circumstances of the case and also since two of the co-accused who were granted bail have already absconded after the court granted them bail and therefore there is every chance that the petitioners may also abscond. It was also submitted that there is every chance that the accused may repeat the offence with other persons and public interest is at large.

4. Petitioners are alleged to have used a fake profile to cheat the defacto complainant to induce him to transfer a huge amount. The possibility of petitioners committing similar offences cannot be ignored especially since such financial frauds through mobile phone is rampant. The alleged recovery of several Aadhar cards and PAN cards indicate such possibility also.

5. Considering the nature of allegations against the petitioners and also the circumstances that the investigation has not yet been completed. I am of the view that the condition imposed by the learned Magistrate need not be interfered with.

Accordingly, I find no merit in this Crl.M.C and it is dismissed.

Sd/-
BECHU KURIAN THOMAS
JUDGE

HKH/01.08.2024

APPENDIX OF CRL.MC 4015/2024

PETITIONER ANNEXURES

ANNEXURE A1	**A COPY OF THE FIR IN CRIME NO.40/2023 OF CYBER CRIME POLICE STATION, KOCHI CITY**
ANNEXURE A2	**COPY OF THE COMMON ORDER DATED 05.10.2023, IN C.M.P. NO. 11800/2023 OF THE CHIEF JUDICIAL MAGISTRATE, COURT ERNAKULAM**
ANNEXURE A3	**COPY OF THE ORDER DATED 11.01.2024, IN C.M.P. NO. 654/2024 OF THE CHIEF JUDICIAL MAGISTRATE, COURT ERNAKULAM**
ANNEXURE A4	**COPY OF THE ORDER DATED 02-04-2024, IN C.M.P. NO. 3590/2024 OF THE CHIEF JUDICIAL MAGISTRATE, COURT ERNAKULAM**