



Crl.O.P.No.2341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.2341 of 2024

Sambathkumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
CCD-II,
(Cyber Crime Division II)
District Police Station,
Tiruppur, Tiruppur District
Crime No.11 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.11 of 2023 on the file of
the respondent.

For Petitioner : Mr.S.P. Meenakshi Sundharam

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 12.12.2023 for the offences punishable under Sections 43(a), 66, 66D of



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IT Act and Sections 409 and 420 of IPC in Crime No.11 of 2023, seeks bail.

2. It must be stated that the petitioner was not immediately remanded but had been issued with the notices to participate in the enquiry under Section 41(A) Cr.P.C. However, he did not participate and did not give full information and filed anticipatory bail petition before the Sessions Court Tiruppur, which was dismissed on 20.10.2023. He then filed two petitions seeking anticipatory bail and both the petitions had been dismissed. He was then remanded to custody on 13.12.2023

3. It is the case of the prosecution that a complaint had been received from the Assistant Manager, TACTV, in Tiruppur, wherein, it had been stated that the said TACTV is operating under the Social Security Scheme of the Tamil Nadu Government at the District Collectorate Office, Tiruppur. It is stated that there was a transfer of money through a fake website namely <http://doctoresevai.in/> and it is stated that the petitioner who was working as a contract employee to oversee the E-Seva centre, by this fake website collected unauthorizedly money from the public.

4. An earlier application seeking bail in Crl.O.P.No. 516 of 2024 was dismissed by this Court on 19.01.2024. A counter affidavit has been filed by the Inspector of Police wherein it has been stated that a consolidated data



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containing credit and debit into the accounts has been received and it was verified that about 10,00,000/- had been taken away by the petitioner herein. It had also been stated that the accounts details had been collected from Canara bank. Investigation has proceeded to substantial extent and it would be appropriate to direct the petitioner to appear before the respondent and co-operate with the further investigation.

5.Taking into consideration the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Tiruppur** and on further conditions that:-

[a] 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees three Lakhs only) to the credit of Crime No.11 of 2023 on the file of the



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learned **Judicial Magistrate No.III, Tiruppur, on such deposit being made the learned Magistrate** may remit the same to the account of the District Differently abled welfare officer scholarship, Canara Bank, Account No.1246101103996, IFSC Code CNRB000623.

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

[e] the petitioner shall not tamper with evidence or witness 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].

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

13.02.2024

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To

1.The **Judicial Magistrate No.III, Tiruppur**

2. The Inspector of Police,
CCD-II,
(Cyber Crime Division II)
District Police Station,
Tiruppur, Tiruppur District

3.The Central Prison, Coimbatore.

4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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