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CRL O.P. No.16771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.16771 of 2024

1.Sathishkumar
2.Tamilselvan

... Petitioners / Accused 5 & 6

Vs

State rep. by:-

The Inspector of Police,
CCD-II Police Station,
Villupuram District.

... Respondent

[Cr. No.40 of 2024]

For Petitioners : Mr.E.Senthil Kumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in Crime No.40 of 2024 on the file of the respondent police.



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ORDER

The petitioners/Accused – 5 & 6, who were arrested and remanded to judicial custody on 17.06.2024 for the offences punishable under Sections 419 & 420 of IPC and Section 66C of Information Technology Act, 2000 in Crime No.40 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners, in the guise of running Tele Caller business, have obtained various SIM cards from the defacto complainant and also from various other persons and used the same in the illegal activities in order to grab money, thereby involved in cheating. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely roped in this case. He would further submit that the petitioners have not caused any loss to the defacto complainant and not used any of the electronic signature or password or any other unique identification of the defacto complainant. He would also submit that the petitioners are ready to abide by any



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stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners have approached the defacto complainant and obtained several SIM cards in her name. Thereafter, the defacto complainant came to know that the petitioners are using the SIM cards, which were purchased in her name, in the illegal activities. He would further submit that there is no previous case against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both side and perused the materials available on record.

6.Considering the nature of offence committed by the accused and also the number of days of incarceration undergone by the petitioners and taking into consideration the fact that there is no previous case against them, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate – I, Villupuram**, and on further conditions that:

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

[c] the petitioners shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The Judicial Magistrate – I, Villupuram.
- 2.The Inspector of Police,
CCD-II Police Station,
Villupuram District.
- 3.District Jail, Villupuram.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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