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CrI.O.P.No.20838 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.20838 of 2024

A.Vijayakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCD-1, CCB, Vepery,
Chennai.
(Crime No. 207 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 207 of 2024 on the file
of the respondent Police.

For Petitioner : M/s.R.Lakshmi Narasimhan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.06.2024, for the alleged offences punishable under Sections 420, 120B
of IPC and 66D of Information Technology (Amended) Act, 2008 in Crime



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No.207 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were involved in on-line fraud and cheated the defacto complainant's mother to the tune of Rs.1,19,67,381/-. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that based on the confession of the arrested accused/A2, this petitioner was arrayed as an accused. He further submit that the co-accused was also released on bail. He further submit that the petitioner was arrested and is in judicial custody for more than 80 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused in this case and the petitioner herein is arrayed as A5. He further submit that the petitioner



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along with other accused had indulged in on-line fraudulent activities and cheated the defacto complainant's mother to the tune of Rs.1,19,67,381/-. He further submits that during the course of investigation, it was found that a sum of Rs.1 lakh was transferred into the account of the petitioner and a sum of Rs.66 lakhs was received from several persons into the said account and immediately transferred to multiple accounts with the intention to cheat the depositors. He further submits that some properties, worth about Rs.40 lakhs were also attached to the trial court. He further submit that the investigation was also completed. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, nature of offence and considering that the petitioner is not the named accused in the FIR, and also considering that the petitioner was arrayed as accused based on the confession of co-accused, and co-accused was also released on bail and considering the period of incarceration undergone by the petitioner, and some of the properties were attached, and



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also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 XI Metropolitan Magistrate, Saidapet, Chennai, and on further conditions that:-

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

[b] the petitioner shall not commit any offences of similar nature.

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

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

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



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Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

09.09.2024

drl

To

- 1.The XI Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Inspector of Police,
CCD-1, CCB, Vepery,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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