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CRL O.P. No.20075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20075 of 2024

Najumudeen

... Petitioner / Accused-2

Vs

State rep. by:-

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

... Respondent

[Cr. No.24 of 2024]

For Petitioner : Mr.S.Arivazhagan

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 Petitioner on bail in Crime No. 24 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 23.07.2024 for the offences punishable under Sections 66(D) of IT Act, 2000, and Section 420 of IPC, in Crime No.24 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused, by pretending themselves as a recruiter of job, have tantalized the defacto complainant through online under the guise of securing a part time job and deceived to the tune of Rs.17,29,000/- in total by making him to invest money in attending the task. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that investigation has been completed and a sum of Rs.6,00,000/- of the petitioner's money was freezed and returned to the defacto complainant. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that there are totally four accused in this case, in which the petitioner is arrayed as A2. He would further submit that the petitioner, along with the other accused, in order to secure job, have received a sum of Rs.17,29,000/- from the defacto complainant and thereafter, they neither secured any job nor returned the money. He would further submit that investigation has been completed. However, he opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side learned counsel and considering the fact that the name of the petitioner does not find place in the FIR and no money was transferred to the account of the petitioner and all the accused were secured by the police and taking into consideration that investigation has been almost completed and that the number of days of incarceration undergone by the petitioner and the defacto complainant also received a part payment, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] 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 **Judicial Magistrate No.III, Tiruppur District**, and on further conditions that:

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

[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 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 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 No.III, Tiruppur District.
- 2.The Inspector of Police,
City Cyber Crime Police Station (CCD-II),
Tiruppur City, Tiruppur District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J

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