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CrI.O.P.No.21052 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

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

CrI.O.P.No.21052 of 2024

Syed Rahman

... Petitioner

Vs.

The State represented by
The Inspector of Police,
City Cyber Crime Police Station,
Tirupur.
(Crime No. 24 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail, pending investigation in Crime No.24
of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Haja Mohideen Gisthi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.06.2024, for the alleged offence punishable under Sections 66(D) of



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I.T. Act, 2000 and Section 420 of IPC, in Crime No.24 of 2024, on the file of the respondent police, 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. 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 would further submit that the petitioner is in judicial custody for more than 80 days. He further submitted that the co-accused/A2 was released on bail by this Court. He would further submit that a sum of Rs.6,00,000/- of the petitioner's money was freezed and returned to the defacto complainant. He is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for 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 A3. 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 returned some money to the defacto complainant neither secured any job nor returned the money. He further submitted that the petitioner has two previous cases, similar in nature, pending against him. He would further submit that investigation has been 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, and considering the period of incarceration undergone by the petitioner, and considering that the defacto complainant was also received a part payment, and also considering that the co-accused was released on bail, investigation was also completed and the petitioner has 2 previous cases, in



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all the cases, he has been released on bail and also considering all other factors, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on her 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 Judicial Magistrate No.III, Tiruppur, and on further conditions that:-

[a] the petitioner shall report before the respondent police, everyday 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 Kerala [(2005)AIR SCW 5560].

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



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Section 269 BNS.

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To

- 1.The Judicial Magistrate III,
Tiruppur.
2. The Inspector of Police,
City Cyber Crime Police Station,
Tirupur.
- 3.The Superintendent,
Central Jail, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

P.DHANABAL, J.



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