



CRL O.P. No.22082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :09.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22082 of 2024

Sathishkumar @ Sathish

... Petitioner / Accused - 1

Vs

State rep. by
The Inspector of Police,
Vikravandi Police Station,
Villupuram District.

(Crime No.522 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.522 of 2024, on the file of the respondent.

For Petitioner : Mr.E.Senthilkumar

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 08.08.2024 for the offences punishable under Sections 419 and 420 of IPC and Section 66C of Information Technology Act, 2000, in Crime No.522 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner along with A2 are alleged to have brought various SIM cards by using Aadhar card of the defacto complainant and by affixing the defacto complainant's finger print and used the same for extorting money from the general public. 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 the petitioner has been in custody since 08.08.2024 and there is no previous case against the petitioner. He would further submit that A2 in this case has been granted bail by this Court and 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 the petitioner along with A2 bought various SIM cards by using the Aadhar card of the defacto complainant and by affixing the defacto complainant's finger print. He would also submit that the accused used the SIM cards for extorting money from the general public via calling. He would further submit there is no previous case against the petitioner and co-accused was released on bail by this Court. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering that already co-accused was released on bail by this Court and also considering the nature of offences charged against the petitioner and that the number of days of incarceration undergone by the petitioner and there is no previous case against the petitioner and all other factors, 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 **District Munsif cum Judicial Magistrate, Vikravandi**, and on further conditions that;

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

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond 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]; and

[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 District Munsif cum Judicial Magistrate, Vikravandi.
- 2.The Inspector of Police,
Vikravandi 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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