



Crl.O.P.No.23717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23717 of 2024

S.Thayuman

...Petitioner/Accused - A11

Vs.

The State by,
The Inspector of Police,
CBCID, Cyber Crime Cell,
Chennai.
Crime No.01 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.01 of 2024 on the file of respondent police.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER



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The petitioner/A11, who was arrested and remanded to judicial custody on 31.07.2024 for the offences punishable under Sections 419, 420, 468, 471, 120 (b) of the IPC and Sections 4 and 20 of the Indian Telegraph Act, 1885, @ 409, 419, 420, 468, 471, 120(b) and Sections 4 and 20 of Indian Telegraph Act, 1885, in Crime No.01 of 2024, on the file of the respondent, seeks bail.

2. The case of the prosecution is that while A1 was going to depart for Malaysia, the immigration officer found 22 numbers of Indian SIM cards in A1's possession without any justification, and on further investigation, it was revealed that the petitioner, along with the other accused, had purchased SIM cards in the name of the general public and produced the particulars to the scamming companies running in foreign nations for illegal gain. Hence, the case.

3. Learned counsel for the petitioner/A11 submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since



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31.07.2024; and that all the co-accused were granted bail by this Court.

He also submitted that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) for the respondent would submit that there are totally 15 accused in this case, that the petitioner is arrayed as A11, and that the petitioner, along with the other accused, have purchased SIM cards in the name of the general public and produced the particulars to the scamming companies running in foreign nations for illegal gain. He further submitted that all the co-accused were arrested and released on bail; that the investigation was completed and the final report was also filed. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, that the investigation was completed and the final report was also filed, that the



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co-accused were released on bail and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 – 600 015*, and on further conditions that:

[a] the petitioner shall report before the Jurisdictional Magistrate, on all working days at 10.30 a.m., for a period of thirty days;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 was 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



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such facts to the Court or to any police officer or tamper with the evidence;

[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 of the B.N.S.

26.09.2024

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To

1.The XI Metropolitan Magistrate,
Saidapet,
Chennai - 15.

2.The Superintendent of Prison
Central Prison- II,
Puzhal.



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3.The Inspector of Police,
CBCID, Cyber Crime Cell,
Chennai.

4.The Public Prosecutor
High Court of Madras.

P.DHANABAL, J.

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