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CRL O.P. No.24866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24866 of 2024

1.Imran Basha
2.Syed Rahman

... Petitioners / Accused

Vs

State rep. by
The Inspector of Police,
Cyber Crime Coimbatore City,
Coimbatore.

(Crime No.205 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 Petitioners on bail in Crime No.205 of 2024 on the file of the respondent police.

For Petitioners : Mr.C.D.Sugumar

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



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CRL O.P. No.24866 of 2024

ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.08.2024, for the offences punishable under Sections 420 of IPC and 66D of IT Act, in Crime No.205 of 2024, on the file of the respondent seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused, by pretending themselves as a recruiter of job, have enticed the defacto complainant through online under the guise of securing a part time job and deceived to a tune of Rs.15,39,000/- in total by making him to invest money in attending the task. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the quantity of materials involved in this case are not a commercial quantity. He would further submit that the petitioners have been in custody from 27.08.2024. He would also submit that the petitioners are ready to abide by any condition that may be



CRL O.P. No.24866 of 2024

imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners, in the guise of securing job, have received Rs.15,39,000/- from the defacto complainant and thereafter, they neither secured any job nor returned the money. He would further submit that the petitioners' bank accounts were freezed and Rs.2,50,000/- is available in their accounts. He would further submit that investigation is almost completed. However, he vehemently opposed to grant bail to the petitioners.

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

6. Considering the nature of offences charged against the petitioners and the number of days of incarceration undergone by the petitioners and also the bank accounts of the petitioners were frozen and that investigation was almost completed, this Court is inclined to grant bail to the petitioners, subject to the following conditions:



CRL O.P. No.24866 of 2024

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.IV, Coimbatore**, and on further conditions that;

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

[c] the Petitioners 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 Petitioners 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 Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

15.10.2024

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CRL O.P. No.24866 of 2024

To
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- 1.The Judicial Magistrate No.IV, Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
Cyber Crime Coimbatore City,
Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.24866 of 2024

P.DHANABAL,J.
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CRL.OP.No.24866 of 2024

15.10.2024