



WEB COPY



Crl.O.P.No.26139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

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

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1.Milap Thakkar @ Thakkar Milap

2.Jaaysavaliya @ Savaliya

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Cyber Crime of Police (CCD-II),
Tiruppur District.
(Crime No. 32 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioners on bail, in Crime No.32 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.J.Joseph Zinson

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.09.2024, for the alleged offences punishable under Sections 420 of IPC



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r/w 66D of Information Technology (Amendment) Act, 2000 in Crime No.32 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners cheated the defacto complainant to the tune of Rs.5,06,000/- by way of online website. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submits that the petitioners were arrested and are in judicial custody for more than 45 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners cheated the defacto complainant to the tune of Rs.5,06,000/- by way of online website. He further submits that the specific over tact against these petitioners are that money was transferred to these petitioners. He further submits that the first



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petitioner has one previous case and the second petitioner has no previous case, pending against them. However, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, considering the period of incarceration undergone by the petitioners from 04.09.2024, and the first petitioner has one previous case, which is not a similar kind of offence, in that, he has been released on bail, and the second petitioner has no previous case, pending against him, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.III, Tiruppur, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily at



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10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioners shall not abscond 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 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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.10.2024

drl



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To

- 1.The Judicial Magistrate No.III,
Tiruppur.
- 2.The Inspector of Police,
Cyber Crime of Police (CCD-II),
Tiruppur District.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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