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Crl.O.P.No.28746 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28746 of 2024

R.Surendar

... Petitioner

Vs.

The State represented by,
The Deputy Superintendent of Police,
CBCID, Cyber Crime Cell,
Chennai.

(Crime No.1 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner/A16 on bail, in connection with the Crime No.1 of 2024, on the file of the respondent Police.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A16, who was arrested and remanded to judicial custody on 21.10.2024, seeking bail in Crime No.1 of 2024 registered for the offences



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under Sections 419, 420, 468, 471, 120B of IPC r/w Section 4 and 20 of the Indian Telegraph Act, 1985.

2. The case of the prosecution is that on 16.06.2024, the de facto complainant, who is working in the Bureau of Immigration, Chennai International Airport, had intercepted A1, who is a Malaysian National (Chinese Origin) and found that he was in possession of large number of SIM cards of Indian operators without any justification. Later, it was found that the accused had indulged in transporting those SIM cards to Cambodia for delivering to scamming companies and by illegally using the pre-activated Indian SIM cards, had indulged in cheating several persons. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A16 is an innocent person and he has been falsely implicated in this case. He further submitted that the similarly placed co-accused have been released on bail by this Court in Crl.O.P.Nos.22391 & 22392 of 2024 vide order dated 19.09.2024. He also submitted that the petitioner is the resident of Neyveli, Kurinjipadi, Cuddalore District and he was looted by other accused to get details. He further submitted that the investigation in this case



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has been completed and the case has also been taken up for trial, however, the petitioner is in custody from 21.10.2024. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the accused had purchased the SIM cards in the name of general public and produced the particulars to the scamming companies in order to get illegal gain. He further submitted that the allegation against the petitioner is that he had collected information related to the accounts of several persons and handed it over to the other accused for the purpose of using them in the scam. He further submitted that charge sheet has been filed in this case and the same was taken on the file of the XI Metropolitan Magistrate, Saidapet, Chennai in C.C.No.1946 of 2024.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the fact that the charge sheet has been filed and the main accused in this case have been released on bail and also considering 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **XI Metropolitan Magistrate Court, Saidapet, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the **XI Metropolitan Magistrate Court, Saidapet**, all working days at 10.30 a.m., for a period of three weeks and thereafter, on the dates fixed by the learned trial



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Judge;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned 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 Section 269 B.N.S.

18.11.2024

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To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. The Deputy Superintendent of Police,
CBCID, Cyber Crime Cell,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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