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Crl.O.P.No.30723 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

Crl.O.P.No.30723 of 2024

Prabhakaran

... Petitioner

Vs.

State represented by,
The Inspector of Police, CCD-II
Thiruvallur,
Thiruvallur District.
Crime.No.84 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, in Crime No.84 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.Suriyamuthu N

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

ORDER

Petition seeking bail in respect of Crime No.84 of 2023 registered for the offences punishable under Sections 420 of IPC and 66D of Information Technology Act.



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2. The incarceration of the petitioner being from 07.11.2024 pleading innocence on the part of the petitioner/A5 and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the co accused was granted bail by this Court in Crl.OP.No.29969 of 2024 on 02.12.2024. He also submits that, petitioner has been unnecessarily dragged into this case by the other accused. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the defacto complainant Moorthy has lodged a complaint before the respondent police stating that he purchased some household appliances through NAAPTOL online shopping and after purchasing the same, the other accused Arjun and Sathish have contacted the defacto complainant and informed that he was selected as lucky draw customer and eligible for a prize and also they demanded him to pay GST, IT, insurance fee as well as transportation charges to the Bank account of one Sathish and thereby the accused persons induced the defacto complainant for opening a bank account and thereby cheated a some of



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Rs.15,10,505/- from the defacto complainant.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the nature of allegation, this court is inclined to grant bail to the petitioner with certain conditions and 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 learned Judicial Magistrate No.II, Tiruvallur District, 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 report before the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter, on every Saturday at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 of B.N.S.

10.12.2024

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To

1. Judicial Magistrate No.II, Thiruvallur District
2. The Inspector of Police, CCD-II
Thiruvallur,
Thiruvallur District.
3. The Superintendent,
Central Prison, Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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