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Crl.O.P.No.31315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31315 of 2024

E.Jayaraman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Tiruppur District.
(Crime No.27 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.27 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Vimal

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

ORDER

Petition seeking bail in respect of Crime No.27 of 2024 registered for the offences punishable under Section 420 of IPC and Section 66D of the Information Technology Act 2008, is on board for consideration.



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2. The incarceration of the petitioner/A2 being from 04.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner has nothing to do with the alleged offence and no amount was credited in his account and further, no recovery was made from him. He further submits that the petitioner was originally arrested on 28.06.2024, in Crime No.22 of 2024 registered on the file of the Madurai Police Station, and thereafter, formally arrested in Crime No.158 of 2024, Cyber crime Police Station, West Zone, Chennai on 26.10.2024, meanwhile, he was formally arrested in this case on 04.11.2024. He also submits that the petitioner was enlarged on bail in the previous cases registered against him. He further submits that the petitioner was arrested only based on the confession statement recorded from the other accused. He also 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 accused, in the guise of getting an online job, cheated the de facto complainant to the tune of Rs.4,81,112/-. He further submits that the



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investigation is still pending and therefore, if the petitioner is released on bail, there is a possibility of him absconding and tampering the evidence.

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 considering the period of incarceration undergone by the petitioner, 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** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Tiruppur** 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, everyday 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.

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To

1. The Judicial Magistrate No.III,
Tiruppur.
2. The Inspector of Police,
Cyber Crime Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison,
Madurai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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