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Crl.O.P.No.32677 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

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

Crl.O.P.No.32677 of 2024

S.Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Ariyalur District.

(Crime No.9 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.9 of 2024 dated 31.08.2024, pending investigation on
the file of the respondent Police.

For Petitioner : Mr.Mounikamanikandan

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

For Intervenor : Mr.C.Mohanraj

ORDER

Petition seeking bail in respect of Crime No.09 of 2024 registered for
the offences punishable under Sections 420 of IPC and Section 66D of
Information Technology Act, is on board for consideration.



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2. The incarceration of the petitioner being from 09.11.2024 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 is in no way connected with the alleged offence and he had borrowed the amount only for the purpose of business development. 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 accused had approached the de facto complainant through Facebook and on the false promise that he would get a huge profit, had induced the de facto complainant to invest in online trading and later, cheated him. The total amount cheated by the accused is Rs.19,76,480/-. He further submits that the investigation in this case is still pending, therefore, if the petitioner is released on bail at this stage, there is every possibility of him absconding and tampering the evidence.



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4. Learned counsel for the de facto complainant submitted that the accused had cheated the de facto complainant to the tune of Rs.19,76,480/- under the guise of online trading. He further submits till date, no recovery was made from the accused. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Having heard the learned counsel for both sides 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 of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Ariyalur**, 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;



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

[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.

06.01.2025

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To

1. The Judicial Magistrate No.II,
Ariyalur.
2. The Inspector of Police,
Cyber Crime Police Station,
Ariyalur.
3. The Superintendent,
Central Jail,
Ariyalur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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