



Crl.O.P.(MD) No.1464 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.1464 of 2024

1.Junaaid Ahmed
2.Javeed Ahamed

... Petitioners/ Accused

Vs.

The State rep. By
The Inspector of Police,
Cyber Crime Police Station,
Tirunelveli City.
(Crime No.15 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of Cr.P.C, to modify the condition imposed upon the petitioners in Crl.M.P(MD).No.28751 of 2023 on the file of the Judicial Magistrate No.I, Tirunelveli dated 16.11.2024 as the petitioners shall appear before the respondent police as and when required.

For petitioners
For R1 and R2

: Mr.T.Leninkumar, Advocate

: Mr.P.Kottaichamy

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to modify the condition imposed upon the petitioners in Crl.M.P(MD).No.28751 of 2023 on the file of the Judicial Magistrate No.I, Tirunelveli dated 16.11.2024 as the petitioners shall appear before the respondent police as and when required.



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2. The case of the prosecution is that one Gurusina Remlin lodged a complaint before the respondent police stating that she is a Ph.D., scholar and she is doing thesis in M.S.University, Tirunelveli. When she was searching job through online, she received a whatsapp message from mobile No.9501624760 as if a job was available in Uplars Company. As the person from other side instructed the complainant to follow him in Instagram, by creating an ID, the complainant followed him in Instagram and as per his instruction, the complainant sent Rs.2000/- through Gpay, immediately they repaid Rs.2784/- as if it included profit also. Likewise, she sent 10,000/- through Gpay. The said amount was repaid as Rs.11,960/- and also by making false promise to pay more profit the accused person received a sum of Rs.4,23,807/- on various dates from the defacto complainant, but the accused persons did not repay the said amount. Therefore, a case in crime No.15 of 2023 was registered by the respondent police against the petitioners.

3. Therefore, the petitioners have filed the bail application in Crl.M.P.No.28751 of 2023 before the Judicial Magistrate No.I, Tirunelveli During the pendency of the bail application, the complainant received a sum of Rs.4,00,000/- from the petitioners. Hence, the complainant has no objection for grant of bail to the petitioners. On 16.11.2023, the learned Judicial Magistrate has granted bail to the



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petitioners with the condition that they shall appear before the respondent police daily at 10.30 a.m., until further orders.

4. The learned counsel for the petitioners submitted that the petitioners paid a sum of Rs.4,00,000/- to the complainant. Therefore, the condition imposed by the learned Judicial Magistrate that the petitioners shall appear before the respondent police daily at 10.30 a.m., until further order is not a sustainable one. He further submitted that since the petitioners were already arrested in Crime No.2 of 2023, they were not in a position to appear before the respondent police daily. Hence, he prayed for modification of the said condition.

5. After considering the entire facts, the learned Judicial Magistrate has passed the above said condition. Therefore, this Court is not inclined to modify the said condition. Hence, this Criminal Original Petition is dismissed with a direction to the petitioners to appear before the respondent police after releasing from the jail in another case as ordered by the trial Court.

sd/-
01/02/2024

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/02/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA



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TO

1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
CYBER CRIME POLICE STATION,
TIRUNELVELI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/s.T.LENINKUMAR Advocate SR.No.2979(F) DATED 02/02/2024

ORDER

IN

CRL OP(MD) No.1464 of 2024

Date :01/02/2024

SS/GS/SAR- /19/02/2024/4P/6C

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