



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17708 of 2021

ARUN KUMAR @ SANTHANA ARUN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE, (TEAM-30),
CYBER CRIME CELL,
CENTRAL CRIME BRANCH-I,
CHENNAI
(CRIME NO.358/2019)

[RESPONDENT]

For Petitioner : M/S.M.SATHISH KUMAR Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 409 and 420 of IPC in Cr.No.358 of 2019, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were running an On-line financial transaction business under the name and style of M/s.OBOTAP E SOLUTIONS PVT LTD. One of the employee of the said company/A4 approached the de-facto complainant and induced him to use the offers and facilities offered by the company by using the on-line wallet facility for E-Recharge, Fund Transfer and other transaction process. Being convinced by the words of the accused person/employee of the said company, the de-facto complainant deposited a sum of Rs.7,80,000/-. Thereafter, the wallet was locked and the de-facto complainnat could neither use the amount nor withdraw the amount. Hence this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is only an employee of the Company and working as



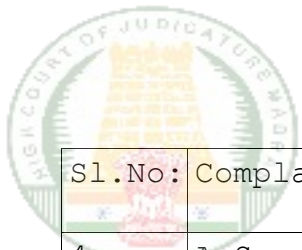
CEO and the petitioner has been falsely implicated in this case. He further submitted that the company management informed the employees that due to COVID-19 Pandemic situation the company will be closed till normal situation arises. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that initially the FIR was registered by the Inspector of Police, J-9, Duraipakkam Police Station, Chennai and under the direction of the Learned Judicial Magistrate, Alandur in a petition filed by the De-facto complainant under the provisions of section 156(3) of Cr.P.C. and thereafter the case was transferred to the respondent police for further enquiry. He further submitted that the petitioner along with other accused persons induced the de-facto complainant and other victims to invest in their company and all of a sudden, the said company was closed and they have cheated a huge sum of money. Hence, he strongly opposed to grant anticipatory bail to the petitioner. He further submitted that the respondent police has so far identified 26 victims and the amount deposited by each victim are given below.

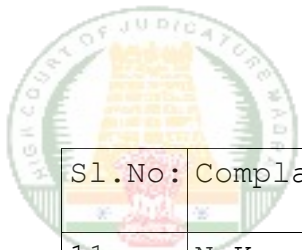
5. On instructions, Learned counsel for petitioner submits that the petitioner will deposit the amount as shown by the learned Government Advocate (Crl.Side) in the tabulated statement filed before this Court.

Cr.No: 358/2019 u/s 409, 420 IPC, Victims details

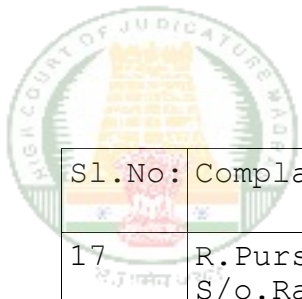
Sl.No:	Complainant Name and Address	Amount	Transaction Date
1	J.Jayapradap, S/o. Jayagopal, No:6, Gandhi 1st Cross Street, Sholinganallur, Chennai-119.	7,80,000	18.01.2019
2	D.Thirunavukarasu, No:5/2, South Mada Vethi, Thirunirmalai, Chennai-44.	34,569	29.11.2018
3	S.Rajkumar, S/o. Soundarrajan, No:25, Anna Nagar 1st Street, Burma Colony, Madhavaram, Chennai-60. No:225, Bazzar Street Michur, Thiruvallur.	2,16,130	30.11.2018



Sl.No:	Complainant Name and Address	Amount	Transaction Date
4	A.Samuvel, Blessing Money Transfer, Annur-641653 9994536114	47,927	08.02.2019
5	S.Kannan, No:2/378, Ayyammal Complex, Sittipalayam Road, Mallumicham Patti, Kovai-641050 9965910003	1,11,014	17.12.2018
6	R.Kokila RK Agencies, No:6/32F, PNR Complex, Pappampatti (Post), Kovai-641016 9600096576	30,58,857	2018 December
7	K.Vilvanathan, No:145, C Bock, Jeevaratinam Nagar, Kasimedu, Chennai-13.	5,28,423	13.01.2019
8	M.Dhayalan, S/o.M.Mani, No:112, Sri Rangan New Tower, Chennai-57.	1,12,000	24.01.2019
9	K.M.Senthilkumar C/o.SelCorner, No:1, Annanur Road, Karumathampatti, Kovai-641659 9840033470	8,39,669	06.02.2019
10	K.SathishKumar, S/o.Karnan, No:1A, 11th Main Road, Thiruvallur Nagar, Kodungaiyur, Chennai-118. 9884466300	8,50,000	07.02.2019



Sl.No:	Complainant Name and Address	Amount	Transaction Date
11	N.Kamalesh S/o. Norathmal Jain, Sri Enterprizes, No:87, Sadasivam Road, Kattankulathur, Kancheepuram-603203. 9941187273	4,62,220	07.02.2019
12	S.Nithya, Eway Tours and Travels, No:9D, Vishnu Nagar, (Priya Hostel Opposite), GN Mills Stop, Kovai-641029. 9944611001 , 9994611002	3,99,857	22.02.2019
13	N.Thirugananasampath Cell Corner, No:3/4, Kadai Veethi, Kalampatti-641048. 9842206354	1,63,497	22.02.2019
14	Sheik Khajavali M/43, S/o.Shaik Mahaboob Sahib, No:5, Issac Street, Park Town, Chennai-3 8072149233 , 8056184284	69,771	07.02.2019
15	Ramesh, S/o. Ramachandran, Dhanam Distributions, No:153A, MGR Nagar, Oddiputhur, Kovai-641016 9994355545 , 8248950647	3,44,178	07.02.2019
16	R.Baskar M/32, S/o.P.Rajendran, No:18, By Pass Road, Bala Krishnapuram, Gummidipoondi-601201, Thiruvallur District. 9025119988 , 9894978505	1,88,206	2019 January



Sl.No:	Complainant Name and Address	Amount	Transaction Date
17	R.Pursothamman M/45, S/o.Ramasamy, VRA Complex, GST Road, Padalam X Road, Maduranthagam Taluk, Kancheepuram. 9445169610	46,933	08.01.2019
18	Raghul, Google World Net Café, No:1/228, Siruvani Main Road, Madhampatti, Coimbatore-641010. 9944772557 , 6381910105	4,37,472	08.02.2019
19	Kuppuraj, M/39, S/o.Mani, No:9/5, Sivagami Nagar, New Washermenpet, Chennai-81. 8124078906	1,09,003	29.01.2019
20	Parasakthi F/33, W/o.Murugesan, No:183, Secretariat Colony, Thuvancherry, Chennai-126. 9176883734	4,97,322	28.12.2019
21	Soosai M/39, S/o.Subramani, Plot.No.66, New No.13 Jeevan Nagar 1st Street, Adambakkam, Chennai-88 9840633480	4,79,195	02.02.2019
22	Hyder Ali M/51, S/o.Sulthan, No.119/59, Prakasham Salai, Broadway, Chennai-108. 9043183131	2,04,615	28.01.2019



Sl.No:	Complainant Name and Address	Amount	Transaction Date
23	G.Sathish Kumar M/46, S/o.Gopalakrishnan, No:C1/7, Jayabhrath Apartment, 6th Main Road, Mogappair East, Chennai-37. 9884491650	45,396	01.02.2019
24	A.Selvakumar M/27, S/o.S.Alagesan, No:29/2, West Saidapet, West Jones Road, Chennai-15 9840552209	1,15,111	01.02.2019
25	Balaji M/32, S/o.Elayaperumal, No:49, Singavelar Street, Kasthuribai Nagar, West Tambaram, Chennai-45.	1,09,0030	23.02.2019
	Total	1,02,50,368	

5. Considering the facts and circumstances of the case and since the petitioner himself has come forward to deposit the entire amount, this court is inclined to grant anticipatory bail to the petitioner. However, as requested, four weeks time is granted to the petitioner for depositing the amount before the trial court and on such deposit the trial court shall disburse the said amount to the above victims under necessary acknowledgement and after due verification of the deposit receipt that is submitted by them.

6. Accordingly, the petitioner is granted anticipatory bail and they is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alandur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



(b) the petitioner shall make a non refundable deposit of Rs.1,02,50,368/- (Rupees One Crore Two Lakhs Fifty Thousand Three Hundred and Sixty Eight only) without prejudice to his defence before the trial Court and the said amount shall be disbursed in favour of the victims. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners;

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
TEAM-30, CYBER CRIME CELL,
CENTRAL CRIME BRANCH-I, CHENNAI

4 THE DEPUTY COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH-I. CHENNAI.

5 THE ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH-I, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.JOEL Advocate on payment of necessary charges
SR.NO.11598

CC to M/S.SHAIKH MEHRUNNISA KASIM Advocate on payment of
necessary charges SR.NO.11739

CRL OP.17708/2021

Date :21/10/2021

RVR 18/11/2021