



WEB COPY



Crl.O.P.No.19884 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19884 of 2024

S.Sathish Saravanan

...Petitioner/Sole Accused

Vs.

State By:

The Inspector of Police,
Cyber Crime Police Station,
South Zone, CCD – 1
St.Thomas Mount.
Chennai – 600 016.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.125 of 2024 on the file of respondent police.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2024 for the offences under Sections 409 and 420 of the IPC r/w 66(D) of the IT Act 2008 in Crime No.125 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner swindled a sum of Rs.4,40,190/- from the defacto complainant by way of sharing a link in the telegram group. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has no criminal antecedents and has been in custody since 25.07.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police opposed granting bail to the petitioner by stating that the petitioner had swindled a sum of Rs.4,40,190/- from the defacto complainant by way of on-line. He further submitted that there is no previous case pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, that there is a business transaction between the parties; that no previous case is pending against the petitioner, that already the first remand period is over, that there is no chance for custodial interrogation, the period of incarceration undergone by the petitioner, and also taking into consideration other aspects, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned *XI Metropolitan Magistrate, Saidapet* and on further conditions that:

[a] the petitioner shall report before the respondent police, everyday at 10.00 a.m., until further orders;

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] 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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

20.08.2024

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To

1.The XI Metropolitan Magistrate,
Saidapet.

2. The Superintendent of Prison
Central Prison,
Puzhal,
Chennai.

3.The Inspector of Police,
Cyber Crime Police Station,
South Zone, CCD – 1
St.Thomas Mount.
Chennai – 600 016.

4.The Public Prosecutor
High Court of Madras.



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P.DHANABAL, J.

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