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CRL O.P. No.20167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20167 of 2024

R.Nandha Kumar

... Petitioner / Accused-3

Vs

State rep. by:-

The Deputy Superintendent of Police,
State Cyber Crime Investigation Centre,
Cyber Crime Wing, Head Quarters,
Chennai District.

(Crime No.26 of 2024)

... Respondent

For Petitioner : Mr.R.Bhagawat Krishna

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of
The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the
Petitioner on bail in Crime No.26 of 2024 on the file of the respondent.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 03.07.2024 for the offences punishable under Sections 420 of IPC and 66D of IT Act, 2008, in Crime No.26 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is doing business of trading crypto currency for the past five years. While so, the petitioner along with the other accused indulged in opening several bank accounts and defrauded the defacto complainant under the guise of trading in crypto currency and thereby cheated the defacto complainant and several others to the tune of Rs.1,63,50,000/-. This petitioner, as employee of YES Bank, received Rs.21,00,000/- from the victim through SBI account at Kilpauk Branch and used the said amount for illegal transaction. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is working in YES Bank and



hence, it could not be possible for the petitioner to open account in SBI Bank. He would further submit that the petitioner is an unnamed accused in this case and he has no previous cases pending against him. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, in the guise of running crypto currency trading business, swindled a sum of Rs.1,63.50,000/- from the investors, including the defacto complainant. He would further submit that investigation is in preliminary stage and the amount has not yet been recovered. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering the overt act against the petitioner that he is only facilitate to open accounts in the Bank and also considering the number of days of incarceration undergone by the petitioner, no previous case is



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pending against the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to 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 **XI Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar nature.

[d] the Petitioner shall not abscond either during investigation or trial.

[e] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The XI Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Deputy Superintendent of Police,
State Cyber Crime Investigation Centre,
Cyber Crime Wing, Head Quarters,
Chennai District.
- 3.Central Jail, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J



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