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CRL O.P. No.20527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.08.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20527 of 2024

Ramees.R

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
CCB, Chennai – 600 007.

... Respondent

[Cr. No.60 of 2024]

For Petitioner : Mr.M.Velmurugan

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. 60 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 29.07.2024 for the offences punishable under Sections 420, 468 and 471 of IPC r/w Sections 66, 66D of IT Act, 2008, in Crime No.60 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant got a call from FedEx on 04.04.2024, claiming that a courier had been seized by Mumbai customs containing two 100 gm packets of MDMA and verified her documents claiming to be Mumbai Cyber Crime Police. Further, the accused siphoned a total amount of Rs.3,60,400/- from the defacto complainant through bank transfer and thereafter, the defacto complainant came to know that the accused have cheated her. 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 the amount has been transferred only to the account of A1 and not to the account of the petitioner and he has nothing to do



with the alleged offence. He would further submit that the petitioner has no previous case against him and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. 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, booked an illegal parcel in the name of the defacto complainant by using her Aadhar credentials and received a sum of Rs.3,60,400/- from the defacto complainant by way of bank transfer and cheated her. He would further submit that investigation is at preliminary stage and the account of A1 was operated by this petitioner only. He would further submit that there is no previous case against the petitioner. However, he 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 that the amount was transferred to the account of A1 and not to this petitioner's account and also taking into consideration the number of days of incarceration undergone by the petitioner and all other aspects,



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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 Inspector of Police,
CCB, Chennai – 600 007.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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