



CRL O.P. No.21308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21308 of 2024

Faridha Begum

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
CCD-I, Avadi Police Station.

(Crime No.227 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.227 of 2024, on the file of the respondent.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.07.2024 for the offences punishable under Section 318 of BNS Act, 2023, and Section 66D of IT Act, in Crime No.227 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant had come to know about a whatsapp group, which was running in the name of “AO1-Ipstox Services Group” and through a link from facebook, and upon joining the whatsapp group, he had noticed a person named Rajat Chopra, who had called himself as the Chief Financial Analyst of Upstox Securities, appeared to give stock tips that yielded profits and that upon the instructions of the said person, the defacto complainant had downloaded and registered himself into the App from the link provided by the accused and thereafter, the defacto complainant had paid Rs.57,14,000/- and thereafter, he came to know that he had been cheated by the accused. 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 there is no previous case as against the petitioner. He would also submit that 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, in the guise of running an online business, induced the defacto complainant to invest a sum of Rs.57,14,000/- into the said business and cheated the defacto complainant. He would further submit that the petitioner has received Rs.4,70,000/- as commission for opening various accounts. He would also submit that there is no previous case pending against the petitioner and some part of amount was also recovered from the accused. 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 allegations charged against the petitioner, she is only doing opening of accounts and some part of amount was also recovered from the other accused and considering the number of days of incarceration undergone by the petitioner and that there is no previous case pending against the petitioner, 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 **Judicial Magistrate I, Poonamallee**, 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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond 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



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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

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

02.09.2024

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To

- 1.The Judicial Magistrate I, Poonamallee.
- 2.The Inspector of Police,
CCD-I, Avadi Police Station.
- 3.Central Prison for Women, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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