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Crl. O.P. No.21478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

Crl. O.P. No.21478 of 2024

M. Balaji S/o. Maniraja ... Petitioner /
Accused
Vs

State represented by:

The Inspector of Police,
CCD-I, Avadi Police Station,
Tiruvallur. Respondent /
Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S. praying to grant bail to the petitioner / Accused in Cr. No.227 of 2024 on the file of the respondent police.

For Petitioner : Mr.S. Devendran

For Respondents : Mr. S. Vinoth Kumar,
Government Advocate
(Criminal side).

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 29.07.2024 for the offences punishable under



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sections 318 of B.N.S. 2023 Act and Section 66D IT Act 2008 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.06.2024, the defacto complainant had joined a whatsapp group in the name of A01-UPstox Services Group and got a link from facebook and on joining the whatsapp, the defacto complainant noticed that a person named Rajat Chopra who called himself as Chief Financial Analyst of UPS Securities was giving stock tips that yielded profits as he suggested and as per the direction, the defacto complainant downloaded and registered on the APP and made payment of Rs.57,14,000/- and the same has been lost and hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case for the alleged offences under sections 318 of B.N.S. 2023 Act and Section 66D IT Act 2008 and the petitioner was arrested and remanded to judicial custody on 29.07.2024, that in fact the petitioner has not committed any offences,



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that he has been falsely implicated in this case, that he does not know anything about the deposit of the amount, that the amount was not taken by him and he has not withdrawn any amount and his bank account was hacked by somebody and he is ready to abide by any condition imposed by this Court. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that the defacto complainant had joined a whatsapp group in the name of A01-UPstox Services Group and got a link from facebook and on joining the whatsapp, the defacto complainant noticed that a person named Rajat Chopra who called himself as Chief Financial Analyst of UPS Securities was giving stock tips that yielded profits as he suggested and as per the direction, the defacto complainant downloaded and registered on the APP and made payment of Rs.57,14,000/- and the same has been lost, that the amount was deposited into the account of the petitioner, that investigation is at initial stage and hence he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on both sides,



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considering the fact that there is no previous case against the petitioner, that as per the petitioner, his bank account was hacked and there is no direct contact between the petitioner and the defacto complainant and considering the period of incarceration underwent by the petitioner, I am 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) each, with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Poonamallee** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offence 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 abscond either during investigation or



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trial;

[e] 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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.

04.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

1. The Judicial Magistrate No.I, Poonamallee
2. The Inspector of Police,
CCD-I, Avadi Police Station,
Tiruvallur. .
- 3.The Superintendent,
Central Prison-II, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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