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CrI.O.P.No.21657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.21657 of 2024

R.V.Kannan

...Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
CCD-I, Avadi Police Station.
Chennai.
(Crime No.227 of 2024)

... Respondent

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.227 of 2024 on the file of the respondent police.

For Petitioner : Mr.Pon Ayyanar
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. 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 Information Technology 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.



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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 been in custody since 31.07.2024; and that the co-accused was granted bail by this Court vide its order dated 02.09.2024 in Crl.O.P.No.21308 of 2024. He further submitted that the petitioner 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.

4. 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 the amount was also recovered from the



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accused. However, he vehemently opposed granting bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of the allegation charged against the petitioner, the fact that the petitioner is doing the work of opening the accounts in the bank and some part of the amount was also recovered, the fact that the co-accused was released on bail and also taking into consideration the period of incarceration undergone by the petitioner, 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 only)** with two sureties, each for a like sum to the satisfaction of the learned *Judicial Magistrate – 1, Poonamallee*, and on further conditions that:

[a] the petitioner shall report before the respondent



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police every day at 10.30 a.m. until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[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 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.



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To

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

P.DHANABAL, J.

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