



Crl.O.P.No.26179 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.26179 of 2024

1. G.Jayaraman

2. Sunil Kumar

... Petitioners

Vs.

The State represented by,
The Deputy Superintendent of Police,
State Cyber Crime Investigation Centre,
Cyber Crime Wing Headquarters,
Ashok Nagar, Chennai.
(Crime No.41 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with Crime No.41 of 2024, on the file of the respondent Police.

For Petitioners : Mr.M.N.Balakrishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/A3



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& A4, who were arrested and remanded to judicial custody on 24.09.2024, seeking bail in Crime No.41 of 2024 registered for the offences under Sections 318(4), 319(2), 336(3) & 340(2) of BNS r/w Section 66D of the Information Technology (Amendment) Act, 2008.

2. The case of the prosecution is that the accused, by impersonating themselves to be the police personnel in cyber crime department, had threatened the de facto complainant stating that he is one of the suspects in a money laundering and drug trafficking case and put him under pressure for making payment by sending fake arrest warrant from the Ministry of Finance and made him to transfer Rs.1,15,00,000/- to different accounts vide five different transactions and cheated him. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case as A3 & A4. He further submitted that the petitioners, who are respectively the father and son, were wrongly trapped in this case. He also submitted that the petitioners are the Directors of the company viz., Power Links located at Coimbatore, which involved in the business of electrical



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contractors. He further submitted that when the petitioners' company was in financial trouble, A1 had approached them and on believing him, the petitioners had shared their KYC documents and started a company in the name of Wind Power Energy Solutions Private Limited and only later, the petitioners came to know that the first accused had misused their KYC details. He also submitted that a sum of Rs.48 lakhs had been credited into the company's account, whereas, the petitioners did not withdraw the same. He further submitted that the petitioners are the normal residents of Coimbatore for the past 20 years and they themselves are the victim of the crime. Hence, he prayed for grant of bail to the petitioners stating that the petitioners, who are suffering incarceration from 24.09.2024, are ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that it is the case of digital arrest and the accused, by threatening her in the guise of police personnel, had cheated the de facto complainant to the tune of Rs.1,15,00,000/-. He also submitted that petitioners are well aware of the money transactions and a sum of Rs.48 lakhs had been credited



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into the petitioners' company's account and later, it has been wiped of. He further submitted that the petitioners are arrayed as A3 & A4 in this case and four cases were registered against them all over India. He also submitted that the case is under investigation and the involvement of other accused is yet to be identified.

5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the Counter filed by the respondent Police.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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the learned **XI Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

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



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A.D.JAGADISH CHANDIRA.,J.

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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 Headquarters,
Ashok Nagar, Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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