



Crl.O.P.No.27174 of 2024

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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.27174 of 2024

Lawrence

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Delta 4, Cyber Crime Police Station,
Chennai, Tamil Nadu.

(Crime No.259 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner/A4 on bail, in connection with Crime No.259 of 2024, on the file of the respondent Police.

For Petitioner : Mr.R.Krishnakumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A4, who was arrested and remanded to judicial custody on 26.09.2024, seeking



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bail in Crime No.259 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, had threatened the de facto complainant stating that she is one of the suspects in a money laundering case and put her under pressure for making payment and made her to transfer Rs.4,67,30,000/- to different accounts vide 8 different transactions and cheated her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case as A4. He further submitted that the petitioner, who is a law graduate, has been lured into the transaction by an agent and the petitioner had unknowingly given his account details and KYC details and the same was misused by the main accused. He further submitted that the co-accused has been granted bail by this Court in CrI.O.P.No.27297 of 2024 dated 12.11.2024 and hence, he prayed for grant of bail to the petitioner stating



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that the petitioner, who is suffering incarceration from 26.09.2024, is 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 petitioner, 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.4,67,30,000/-. He further submitted that the petitioner is arrayed as A4 in this case and he has assisted the other accused in withdrawing and handing over the amount deposited. 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 petitioner, 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.



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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 petitioner and the co-accused has been granted bail by this Court, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of 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 petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence



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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 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]***;

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

19.11.2024

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To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
Delta 4, Cyber Crime Police Station,
Chennai, Tamil Nadu.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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