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Crl.O.P.No.27297 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

Crl.O.P.No.27297 of 2024

Fardeen Ahamed N

... Petitioner/A10

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Department – 1,
Chennai City.

(Crime No.259 of 2024).

... Respondent

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

For Petitioner : Mr.N.Ganesh

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

ORDER

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 02.10.2024, seeking
bail in Crime No.259 of 20243 registered for the offence under Sections
318(4), 319(2), 336(3) and 340(2) of BNS, r/w 66D of IT (Amendment) Act,
2001.



2. The case of the prosecution is that the accused, by threatening and intimidating the defacto complainant of digital arrest and implication in cases, had cheated him to the tune of Rs.4,67,00,000/-. Hence the case.

3.Learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as A10 in this case and he is innocent. He would further submit that the petitioner is the nephew of one Kaleel Rahman who is arrayed as A11 in this case. He would further submit that the petitioner is studying Business Administration in New College and on the instructions of his uncle, A11 he has withdrawn the amount which was deposited into his account and handed over the same to other accused, other than that, the petitioner has nothing to do with the alleged offence. He would further submit that the petitioner is having his semester examinations. He would further submit that the petitioner has been in custody since 02.10.2024 and is ready to abide by any stringent condition that may be imposed by this Court and is also ready to co-operate with the investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police, while opposing for grant of bail to the petitioner, submitted that the it is the case of digital arrest and the accused, by threatening the defacto complainant of implication and arrest in a grave offence, have cheated him to the tune of Rs.4,67,00,000/-. He further submitted that the petitioner has abutted the other accused in withdrawing the amount and handing over it to them, however, he would submit that the petitioner is the student studying BBA in New College.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that A9 and A10 have received the amount from the petitioner and from them the amount has been recovered and also considering the period of incarceration undergone by the petitioner and also taking into consideration the fact that the petitioner is said to be a student of New College and it is stated that he has to sit for his examination, 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



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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 6.30 p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence 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 B.N.S.

12.11.2024

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To



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1. The XI Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police,
Cyber Crime Department – 1,
Chennai City.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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