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CrI.O.P.No.28210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

CrI.O.P.No.28210 of 2024

1.Biru Choudhuri
2.Biju Choudhuri

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Division – 1,
Chennai East.
(Crime No.100 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.100 of 2024, pending investigation on the file of the Respondent Police.

For Petitioners : M/s.K.Dhivya Shree

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

ORDER

This Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 25.09.2024, seeking bail in Crime No.100 of 2024 registered for the offence under Sections 318 of BNS, 2023 and under Section 66 D of Information Technology Act, 2000.



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2. The case of the prosecution is that, the defacto complainant namely Dabendra Narayan Kar, lodged a complaint stating that, on 04.08.2024, he received a SMS along with a link stating that his SBI reward points are expiring and thereby, he clicked the link which re-directed to SBI mirror page, where he entered his credentials. Subsequently, a sum of Rs.69,784, Rs.98,879, Rs.2,35,467 and Rs.55,986 (total a sum of Rs.4,60,116/-) were debited from the defacto complainant's account through four different fraudulent transactions done by the petitioners along with other accused persons. Hence, the case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. She would further submit that the petitioners facilitated to create an account. She also submitted that the petitioners are in custody from 25.09.2024. She would further submit that the petitioners are law-abiding citizen; that they are ready to furnish substantial sureties for their due release on bail; and therefore, she prays for grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioners would submit that petitioners along with other accused persons by way of fraudulent transactions cheated the defacto complainant. He would further submit that investigation is still pending.

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

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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 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 **XI Metropolitan Magistrate Judge, Saidapet, Chennai**, and on further conditions that:



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[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 daily 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The XI Metropolitan Magistrate Judge, Saidapet,
Chennai.
2. The Inspector of Police,
Cyber Crime Division – 1,
Chennai East.
3. The Superintendent,
The Central Prison,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
dsn

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