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Crl.O.P.No.28072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28072 of 2024

Konapalli Prasada Rao @ Prasada Rao

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCD-11, Kallakurichi Police Station,
Kallakurichi District.
(Crime No.33 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.33 of 2024, pending investigation on the file of the Respondent Police.

For Petitioner : Mr.B.Singaravelu

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

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.08.2024, seeking bail in Crime No.33 of 2024 registered for the offence under Sections 318(4) BNS r/w. 66(C) & 66(D) of I.T. Act, 2008.



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2. The case of the prosecution is that, the accused have threatened the defacto complainant under digital arrest and cheated to the tune of Rs.38,69,000/-. 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. He further submitted that petitioner is the secretary in the Manna Charitable Trust, involved in providing education to the children and community health. While so, the other accused lured the petitioner under the guise of donation of Rs.2,00,000/-, on believing the same, the petitioner had divulged his account details. He would submit that an amount of Rs.21 lakhs was transferred to the account of the petitioner, and the petitioner was given Rs.2,00,000/- as commission and thereafter on instruction of the other accused, has transferred the amounts to various accused. He would submit that an amount of Rs.2,00,000/- which was lying as commission in the account of the petitioner was freezed by the respondent police. He further submit that petitioner is in custody from 19.08.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioner would submit that, the petitioner along with other accused had threatened the defacto complainant under digital arrest and thereby, the defacto complainant was made to transfer Rs.38,69,000/-. He would submit that from the phone number of the petitioner, the fake warrant and fake orders were sent to the defacto complainant. He would further submit that petitioners account has also been used in 10 other similar transactions concerning various police. However, he would submit that investigation is pending and charge sheet is not been filed.

5. Heard the learned counsel appearing for the petitioner, 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 petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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**, out of which, each for a like sum to the satisfaction of the learned Judicial **Magistrate No.1, Kallakurichi**, 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 daily at 10.30 a.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



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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.

20.11.2024

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A.D.JAGADISH CHANDIRA.,J.

dsn

To

1. The Judicial Magistrate No.I,
Kallakurichi.
- 2.The Inspector of Police,
CCD-11, Kallakurichi Police Station,
Kallakurichi District.
3. The Superintendent,
The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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