



Cr1.O.P.No.28373 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

Cr1.O.P.No.28373 of 2024

1. Asvanth
2. Loganathan ... Petitioners

Vs.

The State
rep. by Inspector of Police,
Cyber Crime Police Station,
South Zone,
Chennai TN
Crime No. 222 of 2024 ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. and 433
of BNSS to enlarge the petitioner on bail in Crime No.222 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.S.Nirmal Aditya

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 26.10.2024 , seeking bail in Crime No.222 of 2024 registered under Sections 316 & 318 of BNS and Section 66 D of the Information Technology (Amendment) Act .

2.The case of the prosecution is that accused persons lured the de facto complainant into the USDT trade and cheated him to the tune of Rs.10,00,000/-. 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. He further submitted that the case of money dispute has been falsely projected as a USDT transaction and even as per the prosecution the amount said to have been cheated is Rs.10,00,000/-, whereas an amount of Rs.9,00,000/- has been recovered from the account of A1 and an amount of Rs.1,68,000/- has been recovered from the account of A2. The learned counsel further submitted that the petitioners are 23 years old and they have



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permanent residence. Hence, he prayed for grant of bail to the petitioners stating that the petitioners 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 opposing for grant of bail to the petitioners submitted that the petitioners lured the de facto complainant into the USDT trade and cheated him to the tune of Rs.10,00,000/-. He further submitted that there is no previous cases pending against the petitioners.

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

6.Taking into consideration the facts and the submissions made by the learned counsel appearing for the parties, taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their 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 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 appear before the respondent police every day at 10.30 a.m., for a period of two weeks, and thereafter, 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



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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 B.N.S.

19.11.2024

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To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
Cyber Crime Police Station,
South Zone,
Chennai TN
3. The Superintendent,
Saidapet Sub Jail. Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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