



Crl.O.P.No.28372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

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1.S.Riyaskhan

2.R.Ramya

3.R.Maheshwari

... Petitioners

Vs.

The State represented by,

The Inspector of Police,

District Crime Branch,

Ariyalur.

(Crime No.8 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.8 of 2024, pending investigation on the file of the Respondent Police.

For Petitioners : M/s.B.Kumarasamy

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

### **ORDER**

This Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 23.10.2024, seeking bail in Crime No.8 of 2024 registered for the offence under Sections 420 of IPC & 66(D) of IT



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Act, 2006.

2. The case of the prosecution is that, petitioners along with other accused under the guise of huge returns from online trading, cheated the defacto complainant to the tune of Rs.57,85,368/- . 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. He would further submit that the petitioners are all local residence of Coimbatore, the main accused has lured the petitioners and they have acted on the instruction and worked only for commission basis. He would submit that, based on the request of the 2<sup>nd</sup> petitioner, 1<sup>st</sup> and 3<sup>rd</sup> petitioners have shared their account details and amounts were transferred to their account and later as per direction of the main accused, the entire amount, except commission has been transferred to them. He would further submit that the petitioners are law-abiding citizen and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed 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 induced the defacto complainant to invest in online trading, on believing the same, defacto complainant has deposited a sum of Rs.57,85,368/- through Gpay on various dates.

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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.2, Ariyalur**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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.

**20.11.2024**

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To

1. The Judicial Magistrate No.II, Ariyalur.
- 2.The Inspector of Police,  
District Crime Branch,  
Ariyalur.
3. The Superintendent,  
The Central Prison,  
Trichy.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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