



WEB COPY



Crl.O.P.No.28607 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.28607 of 2024

Madhan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
State Cyber Crime Investigation Centre,
CCD-1, Ashok Nagar,
Chennai-600 083.
(Crime No.32 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.32 of 2024, pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Rajkumar

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 19.10.2024, seeking bail in Crime No.32 of 2024 registered for the offence under Sections 420 of IPC and 66 D of IT



Crl.O.P.No.28607 of 2024

(Amendment) Act, 2008.

2. The case of the prosecution is that the defacto complainant was contacted in April, 2024 by one Mrs.Elida via Whatsapp and claimed that she is an associate of Black Rock Asset Management Business School and introduced one Kapil and Desai as platform agents. They presented a plan promising 500% profit within two month through black rock in collaboration with IIFL allegedly approved by SEBI and also stated that the defacto complainant would withdraw money after two months and pay 20% of profits as a service fee. Believing the same, the defacto complainant invested Rs.14.05 crores in various installments across multiple accounts before realising that he has been defrauded.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he have been taken for a ride by the other accused. He would submit that the petitioner is a second hand car dealer and he was asked to collect bank account details by one Shafahed and based on the instruction of the said Shafahed, the petitioner has given the bank details. He would submit that through Shafahed, an amount of Rs.20 lakhs has been



Crl.O.P.No.28607 of 2024

transacted. The said Shafahed was granted bail on the undertaking given by him to deposit Rs.20 Lakhs and he has been granted bail by the Principal Sessions Judge, Chennai in Crl.M.P.No.30154 of 2024 dated 11.11.2024. He would submit that, other then getting commission from the Shafahed, petitioner has not committed any offence. He also submitted that the petitioner is in custody from 19.10.2024 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioner would submit that, for commission, the petitioner had collected the bank details and given it to Shafahed and that the investigation is pending.

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.



Crl.O.P.No.28607 of 2024

WEB COPY

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.

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**, each for a like sum to the satisfaction of the learned **XI Metropolitan Magistrate Court, 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 daily at 10.00 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,



Crl.O.P.No.28607 of 2024

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 of B.N.S.

20.11.2024

dsn



WEB COPY



Crl.O.P.No.28607 of 2024

A.D.JAGADISH CHANDIRA.,J.

dsn

To

1. The XI Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Inspector of Police,
State Cyber Crime Investigation Centre,
CCD-1, Ashok Nagar,
Chennai-600 083.
3. The Superintendent,
The Central Prison, Puzhal-II,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28607 of 2024

20.11.2024