



Crl.O.P.No.28749 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

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

Crl.O.P.No.28749 of 2024

Jayanth Vignesh T.H

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Delta 4, Cyber Crime Police Station,
Chennai, Tamil Nadu.

(Crime No.259 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner/A3 on bail, in connection with Crime No.259 of 2024, on the file of the respondent Police.

For Petitioner : Mr.S.M.Raghuram

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A3, who was arrested and remanded to judicial custody on 26.09.2024, seeking



Crl.O.P.No.28749 of 2024

bail in Crime No.259 of 2024 registered for the offences under Sections 318(4), 319(2), 336(3) & 340(2) of BNS r/w Section 66D of the Information Technology (Amendment) Act, 2008.

2. The case of the prosecution is that the accused, by impersonating themselves to be the police personnel, had threatened the de facto complainant stating that she is one of the suspects in a money laundering case and put her under pressure for making payment and made her to transfer Rs.4,67,30,000/- to different accounts vide 8 different transactions and cheated her. 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 as A3. He further submitted that the petitioner, who is a freelancer, was arrested in this case, since he went to the bank along with the first accused and his account details were misused by the main accused. He further submitted that the co-accused has been granted bail by this Court in Crl.O.P.No.27297 of 2024 dated 12.11.2024 and hence, he prayed for grant of bail to the petitioner stating that the petitioner, who is suffering



Crl.O.P.No.28749 of 2024

incarceration from 26.09.2024, is 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 objecting for grant of bail to the petitioner, submitted that it is a case of digital arrest and the accused, by threatening the de facto complainant in the guise of police personnel, had cheated her to the tune of Rs.4,67,30,000/-. He further submitted that the petitioner, who is arrayed as A3 in this case, is the person who had instructed A2, A4 to A6 to open bank accounts for receiving fraudulent money and to withdraw the amount and hand it over to A7 for commission. He also submitted that the petitioner herein had voluntarily taken the account holder to the bank and made him to withdraw the amount. He also submitted that the case is under investigation and the involvement of other accused is yet to be identified.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the Counter filed by the respondent Police.



CrI.O.P.No.28749 of 2024

WEB COPY

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration undergone by the petitioner and that the co-accused has been granted bail by this Court, 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, 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, everyday at 06.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



Crl.O.P.No.28749 of 2024

[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 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.

19.11.2024

ham

To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
Delta 4, Cyber Crime Police Station,
Chennai, Tamil Nadu.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.28749 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

CrI.O.P.No.28749 of 2024

19.11.2024