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Crl.O.P.No.29317 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.29317 of 2024

Suresh

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Chennai.
(Crime No. 259 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.259 of 2024 on the file
of the respondent Police.

For Petitioner : M/s.M.Vinothini

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 02.10.2024, for the alleged offences punishable under Sections 318(4),



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319(2), 336(3), 340(2) and Section 66D of IT Act, in Crime No.259 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused, by impersonating themselves to be the police personnel, had threatened the defacto 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 this is the second bail petition filed by the petitioner. He further submitted that the petitioner, who is arrayed as A9 in this case, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was only used as a tool and has no knowledge about the said scam. He further submitted that the co-accused were also released on bail by this Court. He further submitted that the petitioner was arrested and is in judicial custody from 02.10.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is a case of digital arrest and the accused, by threatening the defacto complainant in the guise of police personnel, cheated her to the tune of Rs.4,67,30,000/-. He further submitted that the petitioner, who is arrayed as A9 in this case, by cheating innocent victims, he has opened multiple accounts for receiving the cheated money to his account. The accused has opened 5 bank accounts for the purpose of receiving the cheated money. He further submitted that A1 to A6 were friends, and they all were involved in opening the bank accounts together and receiving the fraudulent money through their bank accounts, which they handed over to A7 for commission. He further submitted that the petitioner has no previous case pending against him, and that investigation is still pending and some of the accused is yet to be identified. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



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6. Considering the representation made by both side counsel, nature of offence, even according to the prosecution, this petitioner opened the account and received the amount from the co-accused, apart from that there is no allegation against the petitioner, no previous case pending against him, co-accused were already released on bail, considering the period of incarceration undergone by the petitioner from 02.10.2024 and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



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[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

27.11.2024

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P.DHANABAL, J.

drl

To

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

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