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Crl.O.P.No.31938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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

Crl.O.P.No.31938 of 2024

Rajesh Ram

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Delta -2, Cyber Crime Police Station,
Central Crime Branch, Chennai.
(Crime No.265 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.265 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Sivanesan

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

ORDER

Petition seeking bail in respect of Crime No.265 of 2024 registered for the offences punishable under Sections 406, 420 of IPC/Sections 316(2) & 318(4) of BNS and Section 66D of Information Technology Act, is on board for



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consideration.

2. The incarceration of the petitioner being from 05.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that a sum of Rs.14 lakhs which has been transferred to the account of the petitioner and later, the amount has been transferred to the second accused's account and the petitioner has not benefited from the transaction. He further submits that even the respondent had also found that the amount has been transferred from the account of the petitioner to the second accused. He also submits that the petitioner is the permanent resident of Chennai and he is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused contacted the de facto complainant through a WhatsApp group and on the false promise that she would get a huge profit, had induced the de facto complainant to invest in shares. Based on which, the de facto complainant, believing the accused, had invested a sum of Rs.10,27,06,364/-



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through 49 transactions, whereas, later, the accused had cheated her. He further submits that a sum of Rs.14 lakhs has been transferred to the petitioner's account from the account of the de facto complainant. He further submits that the investigation in this case is pending, therefore, if the petitioner is released on bail at this stage, there is every possibility of him absconding and tampering the evidence.

4. At this juncture, the learned counsel for the petitioner submits that the petitioner has nothing to do with the alleged offence, however, in order to show his bonafide, the petitioner, without prejudice to his defense and contention before the trial Court, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.15 lakhs, before the Court concerned. Hence, he prayed for grant of bail to the petitioner.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and the considering the period of incarceration undergone by the petitioner and the voluntary submission made by him, this court is inclined to grant bail to the petitioner with certain conditions and accordingly,



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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**, 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, without prejudice to his rights and contentions before the trial Court, is directed to deposit the original title deeds of an immovable property not less than the value of Rs.15 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.265 of 2024 before the Court concerned, at the time of furnishing sureties;

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the



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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]***;

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

20.12.2024

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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