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Crl.O.P.No.179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 179 of 2025

RAMAMOORTHY

S/o.Pothiraj, Krishnasamy Street, Bye-pass West,
Kanjayanayakanpatti, Aruppukottai Taluk,
Virudhunagar District.

Petitioner(s)

Vs

State Rep. by,
The Inspector Of Police
Cyber Crime Police Station,
Kallkurichi District,
(Crime No.56 of 2024)

Respondent(s)

For Petitioner(s):

R.Murugappan
R.Annamalai

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 319, 316 of BNS, 2023 and Section 66 D of Information Technology (Amendment) Act, 2008 in Crime No.56 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution, as per the defacto complainant/ Madhan is that, the petitioner herein along with other accused persons induced the defacto complainant, that he will gain high returns for his investment in online gold trading company and asked him to deposit money in the petitioner's bank account, thereby, the defacto complainant had deposited Rs.3,00,000/- to the petitioner's account on 13.02.2024, subsequently, the petitioner herein had not repaid the amount and cheated him. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner herein had lodged a complaint and the same has been registered in FIR No.30 of 2024 on the file of the Virudhunagar Police Station against the accused persons namely Abishek, Rishik and others, who have contacted the petitioner/ Ramamoorthy through online and induced the petitioner that he will gain high returns for his investment in online gold trading company and asked him to deposit money in a bank account. Thereby the petitioner along with others have deposited a sum of Rs.55,60,270/- to the accused persons bank trading account,



subsequently, they have cheated the petitioner and others. He would further submit that the defacto complainant/ Madhan had also deposited a sum of Rs.3,00,000/- to the said online gold trading via this petitioner's account, based on the instigation of the said accused Abishek and Rishik. He would further submit that the petitioner had never met the defacto complainant/ Madhan and also not known to him. He would further submit that the petitioner is a physically challenged person and he is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the defacto complainant induced by the accused persons word of earning higher gains in an online gold trading business, deposited a sum of Rs.3,00,000/- to the petitioner's bank account, subsequently, he was cheated by the accused persons. He also submitted that the petitioner herein had lodged a complaint and the same has been registered in FIR No.30 of 2024 dated 20.08.2024 on the file of the CCD -III, Virudhunagar Police Station against the accused persons namely Abishek, Rishik and others, who have

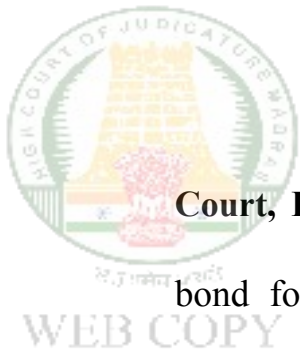


contacted the petitioner/ Ramamoorthy through online and induced the petitioner that he will gain high returns for his investment in online gold trading company and asked him to deposit money in a bank account, thereby the petitioner along with others have deposited a sum of Rs.55,60,270/- to the accused persons bank trading account, subsequently, they have cheated the petitioner and others. He would further submit that the petitioner has no previous case and the investigation is pending.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate**



Court, Kallkurichi on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 10:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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



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[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.

08.01.2025

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To

1. The Inspector Of Police
Cyber Crime Police Station,
Kallkurichi District,
(Crime No.56 of 2024)

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