



CRL OP NO. 892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 892 of 2025

Shamitha S Rai,
W/o. Sujith Bhandary,
Bantwal Taluk, Sarapady Post, Maninalkur, Dakshina,
Kannada – 574 265.
And also Shanthala Ashiyana B block, Vysanagar, behind
K.P.T, Kadri, Mangalore – 575 004.

petitioner(s)

Vs.

State represented by,
Cyber Crime – Police Station,
Cuddalore. (Crime No.189 of 2024)

Respondent(s)

For petitioner(s): Mr. R. Vijayaraghavan

For Respondent(s): Mr. S. Santhosh, Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023, (B.N.S.), and Section 56(d) of the Information Act, in Crime No.189 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused threatened the de-facto complainant with “digital arrest” and cheated him into transferring an amount of Rs.7 Lakhs to various Bank accounts. Hence, this case.



3. Learned counsel for the petitioner submits that the petitioner is a house wife, who saw a “Work from home” advertisement on Facebook and enrolled.

She was informed that a sum of Rs.5 Lakhs would be deposited into her Bank account, and she would receive a commission for transferring the amount. The petitioner received a sum of Rs.5 Lakhs, which was immediately transferred to another account as instructed by the accused person. Further, he submits that the petitioner did not receive any money for the said transaction and is herself a victim. Therefore, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner. He stated that the petitioner, under the guise of “digital arrest”, threatened the de-facto complainant and cheated him to transfer a sum of Rs.7 Lakhs into two accounts. A sum of Rs.5 Lakhs was transferred into the petitioner's account. However, initial investigations reveal that the said transferred amount was again transferred to the main accused/A1, who has already been granted anticipatory bail. The petitioner is A2, she transferred a sum of Rs.5 Lakhs from her account to the accused/A1. The de-facto complainant, a retired Police Sub-Inspector, received a call from an unknown number and was cheated out of Rs.7 Lakhs.



5. Having 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.

6. Taking into consideration of the facts and circumstances of the case, and considering the fact that the petitioner is a house wife and she was alleged to have succumbed to the inducement of the accused/A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 of receipt of a copy of this order, before **the learned Judicial Magistrate, Cuddalore District**, on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;



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[c] the petitioner shall report before the respondent Police on everyday at 10:30 A.M., for a period of one week and thereafter, the petitioner shall appear before the respondent Police on every Wednesday at 10:30 A.M., until further orders;

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

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

[f] 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

22.01.2025

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To

State represented by,
Cyber Crime – Police Station,
Cuddalore. (Crime No.189 of 2024)



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.D. JAGADISH CHANDIRA, J.

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