



WEB COPY



Crl.O.P.No.1881 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.1881 of 2025

Jackson Nesakumar

...Petitioner/Accused Rank Not Known

Vs

The State Rep. by
The Inspector of Police,
Cyber Crime Wing II,
Salem City Cyber Crime Police Station,
Salem.
Crime No.38 of 2023

...Respondent

PRAYER:- The Criminal Original Petition is filed under Section 482 of B.N.S.S./438 of Cr.P.C., pleaded to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.38/2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate [Criminal Side]



Crl.O.P.No.1881 of 2025

WEB COPY

ORDER

The petitioner/accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Section 66D of the Information Technology Act, 2000, and Section 420 of the Indian Penal Code, in Crime No.38 of 2023, seeks anticipatory bail.

2 (a). The case of the prosecution is that the *de-facto* complainant was running a business; and that he was introduced to online trading and invested a sum of Rs.1,39,19,320/-, in the account of A1 on the promise that the same would be returned with huge interest.

(b). It is further alleged that some of the amounts credited by the *de-facto* complainant were made in the account of the petitioner, who was not named in the FIR. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner was duped by A1 and at his instance, he had given the account number to A1 and as and when the amount is credited to his account, he would withdraw



Crl.O.P.No.1881 of 2025

the said amount and hand it over to A1 and earn a small commission, and he has nothing to do with the online fraud said to have been committed by A1; that the first accused had already been arrested and released on bail; and that in any case, the case is borne out by records, the custodial interrogation of the petitioner is not required, and he sought anticipatory bail.

4. The learned Government Advocate (Crl.Side) for the respondent police confirms the fact that the petitioner only acted at the instance of A1, and he was not involved in the online fraud.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on either side, the fact that A1 had already been arrested and released on bail, the nature of the allegations against the petitioner, and since the case is borne out by records, the custodial interrogation of the petitioner is not required. Hence, 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



Crl.O.P.No.1881 of 2025

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 No.3, Salem, Salem 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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., 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.

[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



Crl.O.P.No.1881 of 2025

WEB COPY

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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

05.02.2025

dk

To

- 1.The Judicial Magistrate No.3,
Salem,
Salem District.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
Cyber Crime Wing II,
Salem City Cyber Crime Police Station,
Salem.



WEB COPY



Crl.O.P.No.1881 of 2025

SUNDER MOHAN. J.,

dk

CRL O.P. No.1881 of 2025

05.02.2025