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Crl.O.P.No.2743 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2743 of 2025

Akash

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Cyber Crime Police Station,
Chennai City, Chennai.
(Crime No.301 of 2023).

... 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.301 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr. S. Mageshkumar

For Respondent : Mr. A. Gopinath
Government Advocate (Crl.Side)



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ORDER

Petition seeking bail in respect of Crime No.301 of 2023 registered for the alleged offences punishable under Sections 420, 465, 467 and 468 of IPC r/w Section 66 D of the Information Technology (Amendment) Act, 2008, is on board for consideration.

2. The case of the prosecution is that, the defacto complainant has been cheated by certain fraudsters, by impersonating themselves as Max Life Insurance agents and cheated him to the tune of Rs.30,52,015/-. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution; that the petitioner was arrested and remanded to judicial custody on 30.10.2024; that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, therefore, prayed for grant of bail to the petitioner. He further submitted that the petitioner, without prejudice to the defence and contention and to show his bonafide, is



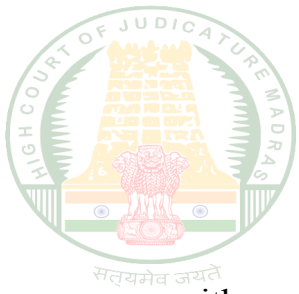
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ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Crime No.301 of 2023, therefore, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting of bail to the petitioner by stating that the petitioner along with other accused persons cheated the defacto complainant to the tune of Rs.30,52,015/- by impersonating as if they are the officials of Max Life Insurance and made the defacto complainant to join the policy. He also submitted that the petitioner has been arrayed as A2 and he had received a sum of Rs.1,98,000/- from the defacto complainant to his account and the amount has not been recovered yet and the final report has also been filed.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of allegation, the submissions made by the learned counsels on



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either side, the voluntary submission made by the learned counsel for the petitioner, that the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.301 of 2023, the fact that the final report has been filed, the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required pending trial, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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 Metropolitan Magistrate No.IX, Saidapet at Chennai** 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;



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[b] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.301 of 2023 before the learned Magistrate concerned and on such deposit, the learned Magistrate concerned shall re-deposit the same to any of the Nationalized bank under interest bearing scheme and disburse the same, at the time of completion of the trial.

[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 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];



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SUNDER MOHAN, J.

stn

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

04.02.2025

stn

To

1. The Metropolitan Magistrate No.IX,
Saidapet, Chennai.
2. The Inspector of Police,
Cyber Crime Police Station,
Chennai City, Chennai.
3. The Superintendent,
Central Prison, Puzhal at Chennai.
4. The Public Prosecutor,
High Court of Madras.

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