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Crl.O.P.No.2261 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

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

Crl.O.P.No.2261 of 2025

Kesavaraj

... Petitioner

Vs.

The State Represented by,
The Deputy Superintendent of Police,
State Cyber Crime Investigation Cell,
CCD-1,
(Crime No.59 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.59 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. G. Mohana Krishnan

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



Crl.O.P.No.2261 of 2025

WEB COPY

ORDER

Petition seeking bail in respect of Crime No.59 of 2024 registered for the alleged offences punishable under Section 318(4) of BNS, 2023 r/w Section 66D of Information Technology (Amendment) Act, 2008, is on board for consideration.

2. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 07.12.2024 and the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner. He also submitted that the co-accused had been granted bail by this Court vide order dated 23.01.2025 in Crl.O.P.No.773 of 2025.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of bail to the petitioner is that, the petitioner/ A3 colluded with other accused persons created fake companies and opened bank accounts and induced the defacto complainant on false assurance of gaining



Crl.O.P.No.2261 of 2025

high profits and made him to invest his money to the tune of Rs.1,65,85,150/- in online trading, thereafter cheated the defacto complainant. On enquiry, it is found that the petitioner along with other accused persons had cheated several persons to the tune of Rs.15,97,49,268/- by instigating them to open current bank accounts, collected the bank accounts from them and misused their bank accounts by means of fraudulent transactions, for the purpose of gaining commission from those illegal transactions. He also submitted that the petitioner herein had involved in 14 other NCRP complaints all over India to a total loss of Rs.3,55,69,215/- and the investigation is still pending.

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

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.2261 of 2025

6. 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 XI Metropolitan Magistrate at 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 shall report before the respondent Police everyday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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



CrI.O.P.No.2261 of 2025

WEB COPY

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]***;

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

30.01.2025

stn

To

1. The Learned XI Metropolitan Magistrate,
Saidapet.
2. The Deputy Superintendent of Police,
State Cyber Crime Investigation Cell,
CCD-1.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.2261 of 2025

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.2261 of 2025

30.01.2025