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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

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

Crl.O.P.No.2905 of 2025

Dhilshath ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Delta-4, Cyber Crime Police Station,
Central Crime Branch, CCB-I,
Vepery, Chennai District.
(Crime No.133 of 2022). ... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.133 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Kamalakanth

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

**O R D E R**

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.01.2025, seeking bail in Crime No.133 of 2022 registered for the offence under Sections 419, 420 of IPC & 66D IT Amendment Act, 2008.

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2. The case of the prosecution is that the defacto complainant is a retired Bank Employee and that a sum of Rs.4,99,900/- was wrongly debited from his account and in order to revert the same, the accused person, posing himself as an Indian Bank Manager, had asked for password and account details, believing the same, the defacto complainant had shared his password and account details to him, thereafter a sum of Rs. 26 lakhs was debited from the defacto complainant's account and it was later found that a sum of Rs.4,69,000/- was transferred to the petitioner's account and the petitioner had withdrawn the said amount and handed over the same to the main accused after receiving a commission of Rs.30,000/-. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner was not aware of the bank transaction between the main accused and the defacto complainant and he had only given his account details to the co-accused, in order to earn commission. He further submitted that the petitioner is in custody from 17.01.2025 and since further custody is not required, the petitioner may be released on bail.

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4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the main accused is yet to be secured and thus opposed for grant of bail to the petitioner.

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

6. Considering, the nature of allegation against the petitioner; period of incarceration; and since further custody is not required for the purpose of investigation, 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 **XI Metropolitan Magistrate, Saidapet.**

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[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 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 B.N.S.

**18.02.2025**

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To

1. XI Metropolitan Magistrate, Saidapet.

2. The Inspector of Police,
   Delta-4, Cyber Crime Police Station,
   Central Crime Branch, CCB-I,
   Vepery, Chennai District.

3. The Superintendent,
   Chennai Central Women Prison, Puzhal.

4. The Public Prosecutor,
   High Court of Madras.

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**SUNDER MOHAN., J.**

*Sma*

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**18.02.2025**

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