



Crl.O.P.No.4787 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4787 of 2025

Mayilsamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Coimbatore City Police Station,
Coimbatore.
(Crime No.242 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.242 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Guruprasad

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 24.01.2025, seeking bail in Crime No.242 of 2024 registered for the offence under Sections 318(4) and 319(2) of BNS, 2023 and Section 66D of the Information Technology Act, 2000 [under Section 415(4) and 416(2) of IPC].



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2. The case of the prosecution is that the accused had defrauded the defacto complainant by making false representation that adhar card of the defacto complainant is linked to a person who was involved in a crime and by threatening the defacto complainant, had made him transfer a sum of R.43 lakhs to various accounts. It is further alleged that a sum of Rs.10 lakhs was transferred to the person who defrauded the defacto complainant and from his account, a sum of Rs.5 lakhs was transferred to the account of A1 and that the petitioner/A2 had withdrawn the same and handed over to A4. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and there is no allegation that he had defrauded the defacto complainant and that he had only received a cash of Rs.5 lakhs from A1 and handed over the same to A4. He further submitted that the petitioner is in custody from 24.01.2025 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and opposed for grant of bail to the petitioner. He further submitted that, apart from this case, petitioner has no previous case.



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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, there is no previous case against the petitioner 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 their 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 **Judicial Magistrate No.4 at Coimbatore** 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;



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[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.

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To

1. Judicial Magistrate No.4, Coimbatore.
2. The Inspector of Police,
Cyber Crime Coimbatore City Police Station,
Coimbatore.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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