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Crl.O.P.No.5617 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5617 of 2025

Muthukumar

...Petitioner/Accused 1

Vs.

State through
The Inspector of Police,
Cyber Crime Police Station,
West Zone, Anna Nagar,
Chennai – 40.

(Crime No.01 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.01 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Vishnu Prasad

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.01.2025, seeking bail in Crime No.01 of 2025 registered for the offence under Sections 318(4), 319, 61(2) of BNS, 2023 and Section 66D of Information Technology (Amendment) Act, 2008.

2.The case of the prosecution is that the defacto complainant, on the promise of high returns, had invested a huge money through online and he came to know about the said online trade through a whatsapp group; that he had invested a sum of Rs.14,56,000/-; that he had withdrawn a sum of Rs.1,00,000/- towards profit and thereafter, he came to know that the said website was blocked and he was cheated by the accused to the tune of Rs.13,56,000/-. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the allegation against the petitioner is false; that the petitioner has nothing to do



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with the alleged fraud committed by the other accused; that a sum of Rs.5,15,000/- was also recovered from the petitioner and that the co-accused was released on bail by this Court in Crl.O.P.No.3861 of 2025 on 20.02.2025 and sought for bail.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the case of the prosecution and produced a counter affidavit and submitted that the petitioner's case is different from the case of the other accused as they were employed under 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, including the counter affidavit.

6.It is seen that on the arrest of the petitioner a sum of Rs.5,15,000/- was recovered.



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7.Considering the nature of allegations, period of incarceration and the fact that the petitioner has no bad antecedents, the allegations are borne out by records and co-accused was granted bail by this Court in Crl.O.P.No.3861 of 2025 on 20.02.2025, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

8.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 **XI Metropolitan Magistrate, Saidapet, 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;

[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.

05.03.2025

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SUNDER MOHAN, J.

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Copy to:

1.The Inspector of Police,
Cyber Crime Police Station,
West Zone, Anna Nagar,
Chennai – 40.

2.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

3.The XI Metropolitan Magistrate, Saidapet, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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