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CRL OP NO. 5488 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5488 of 2025

1. Vimalasekar (A4)
 2. Latha (A5)
 3. Jegadheeswaran (A6)
- petitioners

Vs

The State Rep By
The Inspector of Police
Cyber Crime Coimbatore City,
Coimbatore District.
(Crime No.242 of 2024)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners /Accused on
anticipatory bail in the event of arrest in Crime No. 83 of 2025 pending on
the file of the respondent police.

For petitioners : Mr.G.Vadivel
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 318(4) and 319(2) of the BNS and Section 66 D of the Information Technology (Amendment) Act 2008 in Crime No.242 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant received a call stating that her aadhar card is linked to an accused person viz., Naresh; that the caller introduced himself as CBI officer and threatened the de facto complainant to send money to the petitioners account and that the de facto complainant sent money to the first accused account.

3. The learned counsel appearing for the petitioners would submit that the allegations against the petitioners are false; that the amount was transferred to the first accused for supply of garments; that the petitioners have nothing to do with the alleged transactions and that the money was not credited to the accounts of the second and the third petitioners and that in any case custodial interrogation of the petitioners is not required for the purpose of investigation and sought of anticipatory bail.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and submitted that investigation revealed that the first petitioner had induced the defacto complainant to transfer money to his account and his confession revealed that the other petitioners are also beneficiaries in the transaction and hence, opposed for grant of anticipatory bail to the petitioners.

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

6. Considering the fact that it is only on the confession of the first petitioner it is found that the second and the third petitioners are also beneficiaries of the said transactions; that the allegations against them are borne out by records, this Court is of the view that custodial interrogation of the second and the third petitioners are not required for the purpose of investigation and hence, this Court is inclined to grant anticipatory bail to the second and the third petitioners. However, as regards the first petitioner, since custodial interrogation is required, this Court is not inclined to grant anticipatory bail to the first petitioner.



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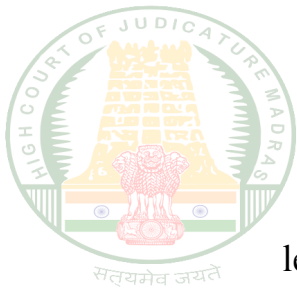
7. Accordingly, the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate IV, Coimbatore** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a]the second and third petitioners and 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 second and third petitioners shall report before the respondent police everyday at 10:30 a.m, until further orders.

[c]the second and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the second and third petitioners shall not abscond either during investigation or trial.



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[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

06.03.2025

vca

To

The State Rep By

The Inspector of Police

Cyber Crime Coimbatore City,

Coimbatore District.

(Crime No.242 of 2024)

2.The Judicial Magistrate IV, Coimbatore

3.The Public Prosecutor,

High Court Madras.



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SUNDER MOHAN, J.

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