IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.04.2025

PRONOUNCED ON : 07.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6108 of 2025

Sangeetha V.G. ... Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Cyber Crime Wing,
CCD-I, Coimbatore City Police Station,
Coimbatore-641 018. ... Respondent/Complainant
[Cr.No.162 of 2024]

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.162 of 2024, on the file of the respondent police.

For Petitioner : Mr.Nithyaesh Nataraj
for Mr.Anirudh A Sriram
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC and 66 D of Information Technology Act in Crime No.162 of 2024, seeks anticipatory bail.

2. The case of the defacto complainant is that upon a post in *facebook*, the defacto complainant opened a link which took him to two WhatsApp groups; that he joined the two WhatsApp groups and was induced to invest in shares, a sum of Rs.1,95,75,000/- in various accounts on various dates; and that thereafter, he could not withdraw the amount.

3. According to the prosecution from the victims account, the amount was transferred to various accounts and thereafter, some of the amounts were transferred to this petitioner's account and there are a number of transactions, in which, the petitioner's accounts are involved and hence, the petitioner is also a part of the conspiracy and thus, committed the aforesaid offences.

4. The learned counsel for the petitioner submitted that the respondent had not investigated the complaints in proper perspective; that none of the accused in whose favour the money was transferred by

the defacto complainants, have been so far arrested; that the petitioner, who is a lady doing trading and had transactions with the alleged accused in Bitcoins, is sought to be prosecuted; that in the similar case, she was granted anticipatory bail by the Sessions Court in Kerala; that in any case, the allegations are borne out by records and are supported by the bank statements; and that custodial interrogation of the petitioner is not required and sought for anticipatory bail in all cases.

5. The learned Government Advocate (Crl.Side) however, vehemently opposed the grant of anticipatory bail and initially filed a status report stating that the total sum involved is Rs.43,92,95,686/-; and that several complaints have been received relating to this account throughout India and considering the magnitude of the offence, the custodial interrogation of the petitioner is required.

6. The learned counsel for the petitioner had filed a rejoinder along with her bank statement to substantiate that such a huge money was not deposited in her account.

7. In response, the learned Government Advocate (Crl.Side)

filed another status report dated 27.03.2025 clarifying the earlier status report stating that out of Rs.43,92,95,686/-, a sum of Rs.1,13,86,264/- was transacted by the petitioner.

8. Besides this complaint, there are three other complaints and the petitioner has filed anticipatory bail petitions in those cases which are disposed of simultaneously. The nature of the allegations in all the four cases are different. The victims in all the four cases have been duped in various ways and made to deposit money into the accounts of certain accused. It is not in dispute that no money was directly credited to the account of this petitioner. It is the case of the prosecution that the accused who had cheated the defacto complainants had transferred some money to the petitioner's account.

9. According to the petitioner, she was trading in USDT Crypto currency i.e., Bitcoins; that on receipt of the money, she had transferred these crypto currency to the accused; and that she was not aware of the alleged fraud committed by the accused, who had sent money to her. That apart, the prosecution had initially filed a status report as if the petitioner had transactions for Rs.43 Crores and thereafter, when the

petitioner produced the bank records, changed the stand, and stated that a sum of Rs.1,13,86,264/- was transacted in the petitioner's account. There is no clarity in the status reports filed by the respondent. In any case, the allegations against the petitioner are borne out by records. The petitioner's husband has been arrested and is in custody.

10. Therefore, considering the aforesaid facts, this Court is of the view that custodial interrogation of the petitioner may not be required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner on certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready**, before the learned Judicial Magistrate No.IV, Coimbatore,** on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the Cyber Crime Wing, CCD-I, Coimbatore, for a period of one week and thereafter before the Cyber Crime Wing, Avadi for one week and lastly before the Cyber Crime Wing, Vellore for one week, since the petitioner is involved in four cases and this Court had granted anticipatory bail in all the cases.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond 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 of B.N.S.

07.04.2025

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To

1.The Judicial Magistrate No.IV,
Coimbatore.

2. The Inspector of Police,
Cyber Crime Wing,
CCD-I, Coimbatore City Police Station,
Coimbatore-641 018.

3. The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN., J.

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Pre-delivery order in
Crl.O.P.No.6108 of 2025

(3/4)

07.04.2025