



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6642 of 2025

Bharath

...Petitioner/Accused

Vs.

State Represented by
The Inspector of Police,
CCD III, Police Station,
Perambalur.
(Crime No.1 of 2025)

... Respondent

PRAYER: The Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.1 of 2025 on the file of the respondent police.

For Petitioner : Dr.S.Padma
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 21.01.2025, seeking bail in Crime No.1 of 2025 registered for the offence under Sections 66 D IT Act, 2008, 318(4) of BNS, 420 of IPC.



2.The case of the prosecution is that the petitioner and the defacto complainant had a love affair and that they came to know each other through a Dating App-AISLE; that on the promise of marriage and on the promise of securing the Government job, he received a sum of Rs.15,95,000/- on several occasions through Gpay and thus committed the aforesaid offence.

3. Learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant were known to each other; that the defacto complainant has invested the said amount since they wanted to do business jointly; and in any case the allegations reveal the financial transactions and breach of contract; and that the case is borne out by records and further custody of the petitioner is not required and hence, he may be released on bail.

4. Learned counsel for the defacto complainant would vehemently oppose the grant of bail to the petitioner and submitted that the petitioner had cheated the defacto complainant to the tune of Rs.15,95,000/- and hence he prayed for dismissal of the bail.



5. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and also filed a counter to that effect.

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

7. Admittedly, the petitioner and the defacto complainant were known to each other through a Dating App; and they had consensual relationship. The allegation is that the petitioner after receiving a sum of Rs.15,95,000/- through Gpay cheated the defacto complainant and neither obtained a for obtaining government job nor returned the money. Considering that the allegation is related to a money dispute, the fact that the petitioner is in custody from 21.01.2025 and the final report has been filed, 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.



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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)** each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Perambalur** 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 daily 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

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under Section 269 B.N.S.

10.03.2025

rkp

Copy to:

- 1.The IInspector of Police,
CCD III, Police Station,
Perambalur.
- 2.Central Prison, Thiruchirapalli.
3. The Judicial Magistrate No.II, Perambalur.
- 4.The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No.6642 of 2



SUNDER MOHAN, J.

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CrI.O.P.No.6642 of 2025

10.03.2025