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CRL O.P. No.6802 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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Mohamed Sulthan S/o. Mohamed Kasin .. Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
Cyber Crime Police Station,
CCD-I, Chennai.

... Respondent

[Cr. No.133 of 2022]

PRAYER:- Criminal Original Petition filed under Section 483 of BNSS,

pleased to enlarge the petitioner on bail, in connection with the Crime
No.133 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M. Manimaran

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 17.01.2025,



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seeking bail in Crime No.133 of 2022 registered for the offences under Section 419, 420 of IPC and Section 66(D) of Information Technology (Amendment) Act .

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2. The case of the prosecution is that the defacto complainant is a retired Bank Employee and that a sum of Rs.4,99,900/- was wrongly debited from his account and in order to revert the same, the accused person, posing himself as an Indian Bank Manager, had asked for password and account details, believing the same, the defacto complainant had shared his password and account details to him, thereafter a sum of Rs. 26 lakhs was debited from the defacto complainant's account and it was later found that a sum of Rs.10,49,000/- was transferred to the petitioner's account and the petitioner had withdrawn the said amount and handed over the same to the main accused after receiving a commission. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner has nothing to do with the alleged fraud committed by A1; that



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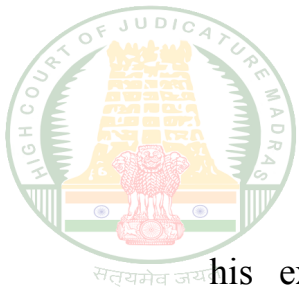
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the petitioner has no bad antecedents; that he had provided his user name and password to the co-accused and he is not aware of the alleged transactions. He further submitted that since the petitioner is in custody from 17.01.2025, further custody of the petitioner is not required and hence prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, while opposing for grant of bail, reiterated the prosecution case and on instructions, submitted that the co-accused was granted bail and the petitioner has no bad antecedents.

5. Considering the aforesaid facts, the nature of allegations against the petitioner, period of incarceration, co-accused was already granted bail and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on



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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 learned **Metropolitan Magistrate-XI, Saidapet, Chennai.**

[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;

[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



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FIR can be registered under Section 269 B.N.S.

17.03.2025

mjs

To

1. The Metropolitan Magistrate-XI, Saidapet, Chennai.
2. The Inspector Of Police, Cyber Crime Police Station, CCD-I, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN., J.



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