



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8293 of 2025

M.Kiran Kumar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Cyber Crime Police Station,
Erode.

(Crime No.49 of 2024)

... Respondent

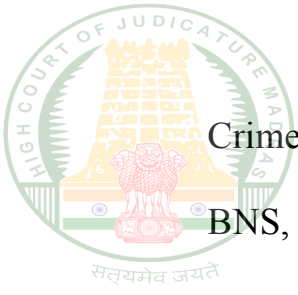
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.49 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.V.Babu

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 03.02.2025, seeking bail in



Crime No.49 of 2024 registered for the offence under Section 318(4) of BNS, 2023 and Section 66D of IT Act.

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2.It is the case of the prosecution that the cyber criminals approached the defacto complainant through a whatsapp message regarding the share market trading and he was asked to join the group, namely L2-SMC Global Securities Stock Pull and that he invested a sum of Rs.81,50,000/- which has been sent to ten different accounts; that he earned a profit of Rs.3,33,90,527/-; that thereafter he was not able to withdraw the invested amount and then only the defacto complainant had realized that he was cheated by the cyber criminals and that the petitioner had received a sum of Rs.6,10,000/- through his bank account and thereby facilitated the movement of the illicit money to the other accomplices. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that in any case the petitioner is in custody from 03.02.2025 and hence his further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated



the prosecution case and submitted there are four previous cases against the petitioner and he is on bail in those cases and that the main accused used the account of the petitioner to perpetrate the fraud.

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5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations, the fact that the only overt act attributed against the petitioner is that he was an account lender, the period of incarceration 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.

7.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 learned **Principal District and Sessions Judge, Erode**, 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.

[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]***;

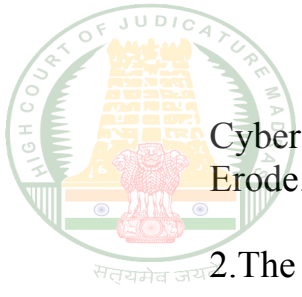
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

26.03.2025

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Copy to:

1.The Inspector of Police,



Cyber Crime Police Station,
Erode.

2.The Principal District and Sessions Judge, Erode.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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