



Crl.O.P.No.9208 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.04.2025

PRONOUNCED ON : 22.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9208 of 2025

Hitesh Kumar

... Petitioner/A3

Vs.

State Rep. By Station House Officer,
Cyber Crime Police Station,
Puducherry.
[Cr.No.134 of 2024]

... Respondent/Complainant

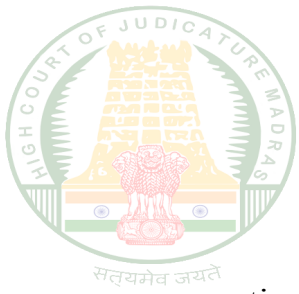
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the case in Cr.No.134 of 2024 on the file of the respondent.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)
Assisted by Mrs.N.Dhanalatchumy,
Government Advocate

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.02.2025 seeking bail in

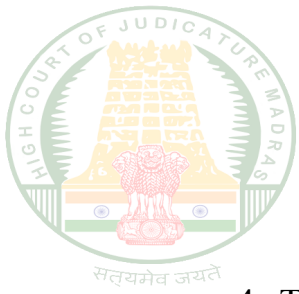


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connection with the case in Cr.No.134 of 2024 registered for the offence under Sections 318(4), 111 of BNS 2023 (420 of IPC) and Section 66 r/w 43 of the Information Technology Act, 2000.

2. The case of the prosecution is that the petitioner had deceived the defacto complainant through online trading company called '*Hashpe*' and induced him to buy crypto-currency; that on the basis of the representation, the complainant invested money to the tune of Rs.98,21,000/- on various dates; that thereafter, the company had intentionally obstructed the defacto complainant from getting the profit on the investment and started demanding more money; and thus committed the aforesaid offences.

3. The learned counsel for the petitioner submitted that the allegations are false; that apart from stating that he is the Managing Director of the said company, there is nothing to suggest the involvement of the petitioner; that in any case, the allegations are borne out by records; that the petitioner is in custody from 26.02.2025; and that considering the period of incarceration, he may be released on bail.



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4. The learned Public Prosecutor (Puducherry) *per contra* submitted that the petitioner, who is the Managing Director of the company by name *Hashpe* is involved in several similar offences; that several persons including the complainant have been cheated by the petitioner; that the total amount cheated by the petitioner may exceed Rs.2.5 Crores; that there are two other cases against the said company viz., Cr.No.16 of 2023 registered in Raipur, Chhattisgarh, and Cr.No.18 of 2023 on the file of DCB, Villuppuram, for cheating Rs.13,13,000/- and Rs.40,00,000/- respectively; that as against this petitioner a case in Cr.No.24 of 2024 was registered for the offence under Sections 420 IPC and 66 D of IT Act, on the file of the Tiruppur Police Station, for causing the loss; and that if the petitioner is granted bail, he would not be available for trial and hence, opposed the grant of bail.

5. This Court considered the rival submissions and perused the available records.

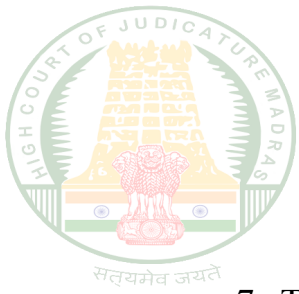
6. The petitioner is in custody from 26.02.2025. The offences alleged against the petitioner are under Section 66 r/w 43 of the Information Technology Act and Section 420 of IPC, for which the petitioner would be entitled to



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statutory bail in 60 days. The allegations are borne out by records.

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7. Therefore, considering the aforesaid facts, 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.

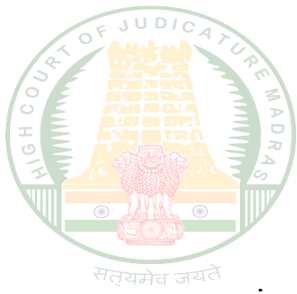
8. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of **Rs.15,000/-** (***Rupees Fifteen Thousand only***) with two sureties each for a like sum to the satisfaction of the **learned Chief Judicial Magistrate, Puducherry** and on further conditions that:-

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during



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investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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]***;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC; and

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SUNDER MOHAN., J.

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To

- 1.The Chief Judicial Magistrate, Puducherry.
- 2.The Station House Officer, Cyber Crime Police Station, Puducherry.
- 3.The Superintendent of Prison, Central Prison, Puducherry
- 4.The Public Prosecutor, Puducherry.

Pre-delivery order
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22.04.2025