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Crl. O.P. No.9722 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9722 of 2025

Prakash S/o. Packirisamy

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
Cyber Crime Wing-I,
Avadi City.
(Crime No.324 of 2024).

... Respondent

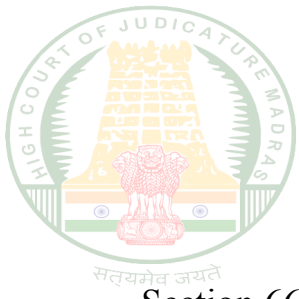
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.324 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.L. Infant Dinesh

For Respondent : Ms. J.R. Archana
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 16.02.2025, seeking bail in Crime No.324 of 2024 registered for the offences under Sections 318(4) of B.N.S. and



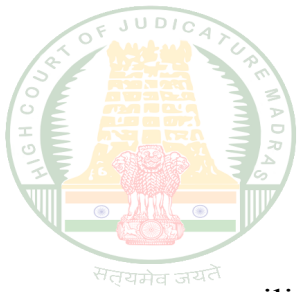
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Section 66(D) of Information Technology (Amendment) Act.

2. The case of the prosecution is that the defacto complainant had deposited huge sums of money on the representation of the 1st accused that he would get high returns, if he invest in shares; that the petitioner had given his current account number and details to the 3rd accused, who had utilized his account for committing the aforesaid offences along with A1; and that the petitioner is arrayed as A2.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that he has nothing to do with the alleged fraud; that he only gave his current account details to A3 for the business transactions; and that in any case, considering the period of incarceration, further custody of the petitioner is not required and prayed that the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing grant of bail to the petitioner, reiterated the prosecution case and on instructions, confirmed that representation to the defacto complainant was made by A1; that the petitioner had given his account details to A3, who, in



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turn, utilized the account details for committing online fraud; and that the petitioner had received a commission of Rs.1,04,650/- from A3.

5. Considering the aforesaid submissions made on either side, nature of allegations, period of incarceration, and the role played by the petitioner on the alleged offences, 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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6. 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 **Judicial Magistrate No.1, Kanchipuram.**

[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;



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[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.

15.04.2025

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To

1. The Judicial Magistrate No.1, Kanchipuram.
2. The Inspector of Police, Cyber Crime Wing-I, Avadi City.
3. The Superintendent of Police, Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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