



Crl.OP.No.10620 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10620 of 2025

G.Ilavarasu ... Petitioner(s) /Accused 2

Vs.

State rep. by
The Inspector of Police,
Cyber Crime Police Station,
Salem City, Salem District.
Crime No.10 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.10 of 2025 pending investigation on the file of the respondent police.

For petitioner(s) : Mr.C.S.Saravanan



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For Respondent(s) : Mr.S.Santhosh,
Government Advocate (Crl.Side)

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 66D of IT Act and Section 318(4) of BNS, 2023 (Section 420 of IPC) in Crime No.10 of 2025, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant and the first accused, who is the son of the petitioner herein, came to know each other through Instagram; that the first accused induced the defacto complainant to invest in online share trading; that the defacto complainant invested a total sum of Rs.36,89,000/-, out of which a sum of Rs.3,00,000/- was credited to the account of the petitioner and thus, the petitioner along with the other accused committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is not involved in the offences



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alleged to have been committed by the first accused; and that in any case the allegations are borne out by records and hence, custodial interrogation of the petitioner is not required and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case, and on instructions, submitted that the first accused had returned a sum of Rs.24,00,000/- out of Rs.36,00,000 received from the defacto complainant; that the balance is yet to be repaid by the first accused; and that a sum of Rs.3,00,000/- is pending repayment by the petitioner to the defacto complainant.

5. Admittedly, a substantial portion of the amount received from the defacto complainant has been repaid by the first accused; and since the allegations are borne out by the records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate Court III, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



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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 BNS.

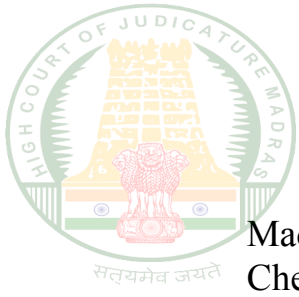
15.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
Cyber Crime Police Station,
Salem City, Salem District.
2. The Public Prosecutor,

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Madras High Court,
Chennai.

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3. Judicial Magistrate Court III, Salem.



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SUNDER MOHAN, J.

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