



Crl.O.P.No.15654 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15654 of 2025

Rajasun

... Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Cyber Crime Wing, Salem,
Cr.No.18/2025
Salem District.

... Respondent

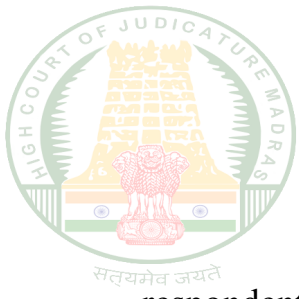
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending investigation in Crime No.18 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.04.2025, for the offences punishable under Sections 318 of Bharatiya Nyaya Sanhita (BNS), 2023 and 66D of Information Technology (Amendment) Act 2008 INF C in connection with Crime No.18 of 2025, registered on the file of the



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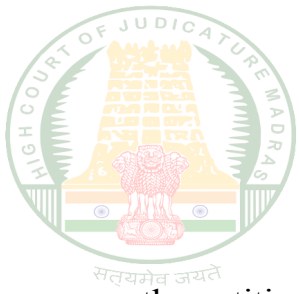
respondent, seeks bail.

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2. The case of the prosecution is that the petitioner was involved in an on-line transaction related to sale of second hand mobile phones through a Face Book advertisement. The defacto complainant contacted the petitioner via the advertised mobile numbers. Believing the offer to be genuine, the complainant had transferred Rs.11,000/- through multiple transactions via Gpay and bank transfers. However, despite assurances, the complainant did not receive the promised mobile phone parcel leading to the registration of a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the commission of the above offence. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he 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 to the petitioner submitted that



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the petitioner was involved in an on-line transaction related to sale of second hand mobile phones through a Face Book advertisement. The defacto complainant contacted the petitioner via the advertised mobile numbers. Believing the offer to be genuine, the complainant had transferred Rs.11,000/- through multiple transactions via Gpay and bank transfers. However, despite assurances, the complainant did not receive the promised mobile phone parcel. He further submitted that there are 32 similar cases were filed against the petitioner at Tamilnadu, Delhi and Puducherry.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on either side and the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-III, Salem**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs 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 make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR



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

07.07.2025

Vv

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate-III, Salem
- 2.The Inspector of Police,
Cyber Crime Wing, Salem,
Salem District
- 3.The Superintendent,
Central Jail, Salem
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

Vv

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