IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.16197 & 16217 of 2025

Suresh ... Petitioner in Crl.O.P.No.16197 of 2025

1.K.Shobana
2.S.Karthikraja ... Petitioners in Crl.O.P.No.16217 of 2025

Vs.

State rep. by
The Inspector of Police,
SCCIC, Cyber Crime Wing I Police Station,
Chennai District. ... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.23 of 2025 on the file of the respondent police.

For Petitioners in both Crl.O.Ps.	:	Mr.K.Rajendraprasad
For Respondent in both Crl.O.Ps.	:	Mr.L.Baskaran, Government Advocate (Crl. Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.05.2025, for the offence punishable under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 r/w Section 66D of Information Technology (Amendment) Act, 2008 in connection with Crime No.23 of 2025 on the file of the respondent, seek bail.

2.The gist of the prosecution case is that the defacto complainant is a retired Chief Personal Assistant in BHEL, Ranipet and his wife is working as a Tamil Teacher in Kingston CBSE School. On 02.12.2024 at about 10.15 a.m., the defacto complainant received a Whatsapp call, in which a person introduced himself as a Police Personnel from NSI Ashok Nagar Police Station, Bangalore and informed that one Sadakat Khan, is arrested in a case of human trafficking, he had 187 accounts, in which one of the account, in the name of the defacto complainant in Mumbai some money credited to this account, which war proceeds from human trafficking. Further, the Officer threatened the defacto complainant that he is the authorized person to cancel the arrest warrant against the defacto complainant and asked for money.

Believing his words, the defacto complainant transferred a sum of Rs.81,68,000/- and thereafter there was no response. The defacto complainant verified the accounts and realised that he was cheated. Hence, defacto complainant lodged a complaint.

3.The contention of the learned counsel for the petitioner is that on 10.05.2025 the respondent police without any enquiry arrested the petitioner even before verifying, confirming and identifying the persons involved in the case. The defacto complainant lodged a complaint against unknown persons by giving three mobile numbers through which he received Whatsapp messages. The defacto complainant responded to the Whatsapp messages and in the process, he transferred money from his account to the accounts as per the message received and now claims that he was cheated by the petitioners. The respondent police failed to conduct any preliminary enquiry, not found the trail of the money, whether the petitioners participated in the transactions and without verifying these aspects, not identifying the transactions in the petitioners accounts, now projected a false case against the petitioners. He would submit that now petitioners bank accounts freezed. He would further submit that the petitioner/A1 is the wife of A4, who is a physically challenged person. The petitioner's daughter completed her 10th standard with good marks in the public examination, now to be admitted in a School for further education, due to the arrest and detention of A1 and A4, their daughter is without guidance and her future would be greatly affected. He further submitted that a sum of Rs.12,00,000/- was transferred by the defacto complainant to the account of A1 in this case and later to the account of A2 which was again transferred to another account as per the instructions. He would further submit that A2 not withdrawn any amount and not benefited from these transactions. He further submitted that all the documents and electronic gadgets collected and seized by the respondent police. Hence further detention of the petitioners not required.

4.The learned Government Advocate (Crl. Side) submitted that in this case so far four accused identified. The scam involves Rs.2.5 Crores. The petitioners arrested on 10.05.2025 and further investigation is to be carried out to find out the role played by the other accused. A2 hails from North India and he has 23 cases of similar nature. The mobile phones and electronic gadgets seized from the petitioners confirms, petitioners active role in commission of the offence. The role of the accused are as follows:

S.No.	Accused Name	Role of the accused	NCRB Portal
1.	A1/Shobana / petitioner (Wife of A4) Crl.O.P.No.16217 of 2025	She received Rs.12 Lakhs in her HDFC Bank from the complainant bank account	26 cases against her account. Still remand in judicial custody from 10.05.2025. Her account is freeze.
2.	A-2/Suresh	He is the brother of A-1, he is an agent, he instructed other accused to open a Bank account for commission	12 cases against his account. Still remand in judicial custody from 10.05.2025.
3.	A-3/Senthil Kumar	He is an agent, he instructed other accused to open a Bank account for commission.	Still remand in judicial custody from 10.05.2025.
4.	A-4/Karthik Raja/ petitioner (Husband of A-1) Crl.O.P.No.16217 of 2025	He is the husband of A-1. He opened the account along with A-1 and handed over to A-2 and A-3 to cheat the public for commission.	Still remand in judicial custody from 10.05.2025.

5.Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the fact that cyberstalking is committed on the defacto complainant, retired public sector employee and his wife which are yet to be traced, this Court is not inclined to entertain this petition.

7.Accordingly, this Criminal Original Petition stands dismissed.

10.06.2025

Speaking Order/Non Speaking Order
Index : Yes/No
Neutral Citation: Yes/No
cse

To

1.The Inspector of Police,
SCCIC, Cyber Crime Wing I Police Station,
Chennai District.

2.The Public Prosecutor,
Madras High Court.

M.NIRMAL KUMAR, J.

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